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**SPECIAL SENATE INVESTIGATION ON CHARGES  
AND COUNTERCHARGES INVOLVING: SECRETARY OF THE ARMY ROBERT T. STEVENS, JOHN  
G. ADAMS, H. STRUVE HENSEL AND SENATOR  
JOE McCARTHY, ROY M. COHN, AND  
FRANCIS P. CARR**

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**HEARING  
BEFORE THE  
SPECIAL SUBCOMMITTEE ON  
INVESTIGATIONS OF THE COMMITTEE ON  
GOVERNMENT OPERATIONS  
UNITED STATES SENATE  
EIGHTY-THIRD CONGRESS  
SECOND SESSION  
PURSUANT TO  
S. Res. 189**

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**PART 51**

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**JUNE 3, 1954**

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# SPECIAL SENATE INVESTIGATION ON CHARGES AND COUNTERCHARGES INVOLVING: SECRETARY OF THE ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN, AND FRANCIS P. CARR

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THURSDAY, JUNE 3, 1954

UNITED STATES SENATE,  
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS OF THE  
COMMITTEE ON GOVERNMENT OPERATIONS,  
*Washington, D. C.*

AFTER RECESS

(The hearing was resumed at 2:15 p. m., pursuant to recess.)

Present: Senator Karl E. Mundt, Republican, South Dakota, chairman; Senator Everett McKinley Dirksen, Republican, Illinois; Senator Charles E. Potter, Republican, Michigan; Senator Henry C. Dworshak, Republican, Idaho; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington; and Senator Stuart Symington, Democrat, Missouri.

Also present: Ray H. Jenkins, chief counsel to the subcommittee; Thomas R. Prewitt, assistant counsel; Charles Maner, assistant counsel.

Principal participants present: Senator Joseph R. McCarthy, a United States Senator from the State of Wisconsin; Roy M. Cohn, chief counsel to the subcommittee; Joseph N. Welch, special counsel for the Army; and James D. St. Clair, special counsel for the Army.

Senator MUNDT. The committee will please come to order.

The Chair will begin once again by welcoming our guests to the committee room. We are happy to have you here to watch one of your governmental committees in action.

The standing rule of the committee has been announced many times by the Chair, but in the event there are people here today for the first time, which is undoubtedly true, the committee would like to remind you that we have a standing rule for this special committee investigation forbidding manifestations of approval or disapproval of any kind of an audible nature at any time.

The officers whom you see before you in uniform, and the plain-clothes men scattered through the audience, have been instructed by the committee to politely but firmly escort from the room immediately, without further instruction from the Chair, anyone who elects to violate the conditions under which he became the guest of the committee, namely, to refrain from audible manifestations of approval or disapproval.

The Chair would like to ask this one bit of indulgence. When his colleagues on the committee and the very gracious gentlemen of the television and radio and photography professions presented me with a birthday cake, it caught me completely by surprise. I think I neglected to thank them, which I would like to do with very heartfelt feeling at this time. I hope you will not misconstrue it when I say that while this is the first time I ever celebrated a birthday on television, I hope that we will not still be here at the time I have another birthday.

Mr. Jenkins, it is your time to begin with the interrogatories of Mr. Cohn, who is on the witness stand.

#### TESTIMONY OF ROY M. COHN—Resumed

Senator JACKSON. Mr. Chairman.

Senator MUNDT. Senator Jackson?

Senator JACKSON. I am wondering whether the Chair has received any reply from Mr. Seaton or the Department of Defense with reference to the information given to the committee by Senator McCarthy regarding the 130, is it, or the 135, alleged subversives or Communists—

Mr. COHN. It is 130.

Senator JACKSON. Working in defense plants. I think it is a very serious matter, and I do believe that Mr. Seaton or whoever the appropriate official from the Defense Department is, should explain why they do not want the list of these alleged subversives who are now supposed to be working in defense plants.

Senator MUNDT. The Chair will be happy to inquire of Senator McCarthy whether he has received any further word from the Pentagon. This was part of the business, I recall, Senator Jackson, to be conducted by the regular committee on investigations, so the Chair has not participated in any of these conversations with the Pentagon, but he will ask Senator McCarthy to find out what the status is at this time.

Senator JACKSON. The question of course, however, Mr. Chairman, is pursuant to the motion adopted by the committee and therefore is most relevant to this inquiry.

Senator MUNDT. The Chair agrees that it is relevant but simply points out it is an official act of business to be conducted by Senator McCarthy rather than the chairman of this special investigating committee.

Senator McCarthy, can you throw any light on the point raised by Senator Jackson?

Senator McCARTHY. I will be glad to. Let me just briefly recite all the facts, if I may.

As the Chair knows, last night when the motion was made, I felt it was unnecessary, because I felt the Defense Department had all of this information in their files already, and was not doing anything about it. I felt that the action of the committee was advisory only, but I was glad to take the advice of the seven Senators. I had my office promptly call the Pentagon and Mrs. Driscoll said she talked to Mr. Seaton and told him that the information would be available if they would send someone over to get it. I had her contact Mr. Seaton again this morning and told her to tell him that I wanted the informa-

tion given with an official reporter present so that everything that was said would be taken down, so there would be an accurate record of what we gave to the Defense Department and all of the Senators could have that.

I told her, also, to inform the Defense Department that we would want the assurance that the rules of the committee would not be violated, namely, that the names of these people would not be made public unless and until they were given a chance to testify either before this committee or before a loyalty board. I was called out of the room about, I think, around 10:30 or 11 this morning, to receive a call at that time—I didn't talk to him, Mrs. Driscoll did—from Mr. Seaton. He said they had made no decision at that time as to whether or not they would accept this information from us.

I waited during the noon hour in my office, with the exception of a few minutes that I was out, and had instructed the young lady at the phone that if anyone from the Pentagon called to be sure and put them on right away so I could talk to them. There has been no further word from anyone in the Pentagon. So at this moment, I don't know whether they are going to accept the information or not. May I say that I want to make it clear that I was not giving them any deadline. I said this noon I would be glad to take time off at any time to give them the information.

Senator JACKSON. Senator, do I understand that you desire merely to turn over the names? I didn't quite get this point about having an official reporter present. Why not just give them the list of names, have them sign for it?

Senator McCARTHY. No; I think, Senator Jackson, that I would like to conduct this as the business of the committee, have an official reporter present so that everything I say to them, everything I give them is a matter of official record, so that every member of this committee will know exactly what the Defense Department got, so there can never be any argument about what we did or did not give them.

Senator JACKSON. You don't propose any interrogation of them at this time. It is just that you want to have the minutes and the transcript show that you turned over these names, is that it?

Senator McCARTHY. Yes. May I say, Senator, I want to give them—if they want the information, I can give them information other than merely the names.

I would rather not go into that now. I want all of that a matter of record, anything I give to the Department.

The only assurance that I want from the Department is that they will follow the rules unanimously adopted by this committee, namely that we do not reveal the names of any of these individuals who are accused until they have had a chance to be called, to be put under oath, either before this committee or before a loyalty board. That is the only assurance that I expect from the Pentagon.

Senator MUNDT. Very well.

Mr. Jenkins?

Senator McCARTHY. May I say, Mr. Chairman, that I have received calls over the noon hour from—I don't recall the exact number; I think 5, 4 at least—uniformed men in the Pentagon who just can't understand this failure to accept information which we offer them. They point out, as I have tried to point out so often, and as Mr. Cohn has tried to point out so often, that the difficulty in the Pentagon is

not with the uniformed men. The difficulty is with the civilians in the Pentagon.

Senator JACKSON. Mr. Chairman, in view of the seriousness of this charge, I would like to suggest that the Chair invite Mr. Seaton, or whoever the appropriate official might be in the Pentagon, to give the committee an explanation of this matter in the light of what has been said this afternoon and earlier today. I do think it is a very serious matter, and I think they ought in all fairness to give the committee an explanation.

I am surprised that they are not now forthcoming with some kind of statement. This matter has been made available to millions of American people, and if they want to stand idly by and not do anything about this, that is their business. But I think that in order to make the record complete, counsel to the committee or assistant counsel should call Mr. Seaton and advise him of what has transpired this afternoon and this morning in connection with these alleged 135 subversives. I am totally surprised that they are not here with an answer.

Senator McCARTHY. Would you yield for a minute? I hope, Senator, that I have not created the impression that Fred Seaton is in any way at all—his is not the job to make the decision. I know Mr. Seaton. I knew him as a Senator. I think that he is just as vigorously anti-Communist, as vigorously for getting rid of a few rotten apples in the barrel as any man on this committee or in the Pentagon. I hope by mentioning his name I do not create the impression that I think he personally is at fault.

Senator JACKSON. Senator, everything I know about Mr. Seaton is the best. He is an honorable gentleman. But I do not understand, Mr. Chairman, why the Pentagon would not be willing to receive and most anxious, if I may say, to receive the 135 names. I am completely surprised that they have no statement to make, especially in view of the fact that they have a division of public relations. If there was ever an opportunity to do something about public relations, it is right now.

Senator McCARTHY. I join my Democrat friend in that.

Senator McCLELLAN. Mr. Chairman.

Senator MUNDT. Senator McClellan?

Senator McCLELLAN. I think there is something about this which I don't think my distinguished colleague meant to imply. It is some of our business whether they are willing to respond and act on these matters. An impression is being created, whether intentionally so or not, that somebody high in the Pentagon is refusing to cooperate and to receive this information. I know of only one man in the Pentagon who is higher possibly than Mr. Seaton, and that is Secretary Wilson, Secretary of Defense.

I suggest, Mr. Chairman, that they be invited, either Mr. Wilson or Mr. Seaton, to appear here at 4 o'clock this afternoon and give some explanation.

Senator MUNDT. The Chair believes that in all fairness to the Pentagon—and I don't blame our Democratic friends for trying to needle them a little bit—they should be given some time, certainly, to consider the request which was presented to them apparently this morning.

Just a minute. The Chair has the floor.

If by the conclusion of this afternoon's session we have heard no word from them, the Chair would be very happy to undertake to

instruct our counsel to send them a transcript of what transpired here today and ask them to communicate to the committee their reaction. I think in simple justice to them, it is carrying needling a little bit too far to say, "Now you make up your mind and get this done by 4 o'clock this afternoon." The Chair would not be in favor of that.

Senator JACKSON. Mr. Chairman, may I say this: It is not needling. I might be accused of trying to help them in their public relations. Millions of Americans listened to the statement made by Senator McCarthy this morning and just now. The statement I think has some very serious implications. Do you mean to tell me that the Pentagon needs hours to determine whether they are going to receive a list of 135 people who are alleged to be subversives working in defense plants? What kind of a conference does that call for? I say if they don't understand simple public relations, then it is high time that they make some changes down there. I am doing it only in a spirit of trying to give them a fair opportunity to be heard, and if they need another day and if they need a copy of the transcript to answer a simple request that they receive 135 names, then I say there is something rotten in Denmark—I mean in the Pentagon.

Senator MUNDT. May the Chair say it is possible that down at the Pentagon they have read the old adage about being wary of Greeks bearing gifts.

Senator JACKSON. You are not implying that the Democrats are bearing these gifts?

Senator MUNDT. The implication, I think, would have to stand on its own merits.

Senator McClellan?

Senator McCARTHY. I have asked my office, incidentally, Mr. Chairman, to call the Pentagon at this moment and report to us if there has been any decision made. I will report that to the committee as soon as I get that word.

Senator McCLELLAN. Mr. Chairman, I was making the suggestion in an effort to be fair to the Pentagon, not to condemn it or to needle it. I have no interest other than to perform a public service, if we can do that. I think we are certainly entitled to know if we have in this administration in the Pentagon men in high places, not in uniform as referred to by the Senator from Wisconsin, who are not concerned about this. The quicker we can expose it, the better, if that is the truth.

But the implication has gone out here—I don't think any other inference could be drawn from what has been said other than that they are at least reluctant. I just can't conceive of a reluctance to get information of this character. I can't conceive of it. I don't want to be unfair to them. I simply want to give them the opportunity on this same forum, at this same place, to make their explanation of what the situation is. That is all I had in mind, and if the committee doesn't want to do that, it is all right with me.

Senator MUNDT. Senator Potter?

Senator POTTER. Mr. Chairman, I would say in all fairness to the Secretary of Defense, Charlie Wilson, he returned from Asia just a few days ago, and I presume that he has many engagements. There is the possibility that Mr. Seaton, who is Assistant Secretary in Charge of Liaison with the Congress, and who received the message from Senator McCarthy, hasn't been able to relay that message to the Secretary

of Defense. So before we become too critical of the Secretary of Defense, who I am sure you will agree with me hates communism as much as any member of this committee, we should find out whether he has received that message.

If they haven't this information, I am sure the Secretary of Defense will want to have it.

Senator JACKSON. Would the Senator yield?

Senator POTTER. I would be happy to.

Senator JACKSON. I understand they have television sets in the Pentagon.

Senator POTTER. I hope some of them are working.

Senator JACKSON. Apparently they are not, or if there are any rules of commonsense, they have lost that, too.

Senator MUNDT. Senator Symington.

Senator SYMINGTON. Mr. Chairman, inasmuch as you mentioned the word "Democrats," inasmuch as you are now full up with birthday cake, I would like to make an observation to clear the record with respect to any needling.

Yesterday in these hearings I mentioned that I was for the United States Army, completely biased for it. I believe it is the greatest army in the world. Pray God that it is from the standpoint of what is growing in the world today.

That doesn't mean that in any way I am for any particular person in the Army, starting at the top and working through the Army. Nor would it mean that I am for any particular person in the Department of Defense who supervises the Army, the Navy, the Air Force, and the Marines.

I would like to join with my Democratic colleagues, however, based on the information which the junior Senator from Wisconsin has given us, in expressing amazement that a particular high-ranking civilian official in the Pentagon feels it is necessary to have a conference before he finds out whether or not he should receive, as professed to them, the names of Communists working on warwork. Thank you.

Senator MUNDT. Mr. Jenkins, do you have any questions for the witness?

Mr. JENKINS. Mr. Chairman, I have no further questions.

Senator MUNDT. The Chair has some, but in the interest of trying to expedite the hearings and giving Mr. Welch as much opportunity as possible to cross-examine, he will pass at this time and call on Senator McClellan.

Senator McCLELLAN. Mr. Chairman, I am interested in expediting the hearings, but I still have a few questions. It is just as well to get them in now as later.

Senator MUNDT. Yes, sir. You have 10 minutes.

Senator McCLELLAN. I believe, Mr. Cohn, when I previously questioned you, were were down to No. 13 of the document that we have been using.

Allegations or statements of facts, or charge, whatever we want to term it, No. 13 in your document?

Senator McCLELLAN. I read from the first sentence of that paragraph, and I quote:

Of no greater substance are the allegations against Mr. Cohn, chief counsel for the subcommittee, that he has used improper means to obtain preferential treatment for Private Schine.

That refers to the previous paragraph, of course. Do you state that is true?

Mr. COHN. Yes, sir.

Senator McCLELLAN. Then I skip, Mr. Cohn, to No. 15.

Mr. COHN. Yes, sir?

Senator McCLELLAN. And I quote from No. 15:

To further understand the bad faith in which this attack was suddenly launched, the relationship of Mr. Cohn and Mr. Adams must be placed in proper perspective. They were close personal and social friends.

Is that true?

Mr. COHN. Yes, sir.

Senator McCLELLAN. Very close?

Mr. COHN. Sir, I think the relationship has been described as best can be. A lot of people I have known a good deal longer and a good deal better than Mr. Adams. I met him first in October but after that we saw each other very frequently, both professionally and socially, and I think it could be said without defining language—

Senator McCLELLAN. How long was it after you knew him before you made or dictated this first memorandum that you have kept now as evidence?

Mr. COHN. Pardon me, sir?

Senator McCLELLAN. How long was it after that date when you say you first knew him that you made this first memorandum placed in the file against him?

Mr. COHN. Placed in the file against him, sir?

Senator McCLELLAN. Yes.

Senator McCARTHY. Mr. Chairman. I am going to leave and personally call Mr. Seaton and report back to you. If my turn comes up before I come back, I will let Mr. Welch take my time.

Senator MUNDT. Very well.

Senator McCLELLAN. Well, as I understand it, you first met him, I believe you said, October 2?

Mr. COHN. Yes, sir.

Senator McCLELLAN. When was it you dictated the first memorandum?

Mr. COHN. The first memorandum which I dictated, sir, was on the 6th of November, I believe.

Senator McCLELLAN. The 6th of November?

Mr. COHN. Yes, sir.

Senator McCLELLAN. Were you still at that time close, personal and social friends?

Mr. COHN. I think you could say, sir, yes.

Senator McCLELLAN. All right. Now, you go on further in this statement and say that, "during most of the period involved," and I assume you mean during the period up until the time that he called you and you declined any further social friendship with him—

Mr. COHN. Well, I meant during most of the period involved, sir.

Senator McCLELLAN. It says here, "During most of the period involved," and the period involved. I assume, is between October 2 and that last call he made to you. Would that be the period involved?

Mr. COHN. Sir, I would say that there was a definite slackening off during—

Senator McCLELLAN. I understand that. But I am talking about what does "period involved" mean?

Mr. COHN. I would say October, November, and December.

Senator McCLELLAN. October, November, and December?

Mr. COHN. Yes, sir.

Senator McCLELLAN. "During most of the period involved they were in communication personally, telephonically, as often as dozens of times a week. They worked and socialized together day after day."

Mr. COHN. That is right.

Senator McCLELLAN. You state that is true for the month beginning October 2nd, the time you met him, on through the month of December?

Mr. COHN. I would say so, sir. There were periods, of course, when we did not have hearings, and we were not together for a week or 2 weeks. But there were many periods, sir, when we were together day after day.

Senator McCLELLAN. When did this social and friendly relationship begin to deteriorate?

Mr. COHN. I would say, sir, it deteriorated, it ended, after the events of January—

Senator McCLELLAN. I didn't say ended. When did it begin to deteriorate?

Mr. COHN. I would say, sir, January—there was not too much of a question of deterioration. I would say there was a sudden end.

Senator McCLELLAN. Well, it hadn't deteriorated until it suddenly ended?

Mr. COHN. I would say that was correct; sir, yes.

Senator McCLELLAN. It was not beginning to deteriorate on November 6 when you dictated the memorandum?

Mr. COHN. Yes, sir.

Senator McCLELLAN. You were still good friends?

Mr. COHN. That is right.

Senator McCLELLAN. Were you still good friends at all times thereafter until the latter part of December, even though you may have dictated these memoranda?

Mr. COHN. Yes, sir.

Senator McCLELLAN. Then I go down to No. 16. We will get back to those.

No. 16, I quote the last sentence:

Secretary Robert T. Stevens then communicated with the chairman and commenced a series of efforts to interfere with the investigation, to stop hearings, and to prevent various of his appointees from being called by the subcommittee.

Is that true?

Mr. COHN. Yes, sir.

Senator McCLELLAN. By appointees, do you mean in that charge do you mean the loyalty board?

Mr. COHN. No, sir; I do not limit it to that.

Senator McCLELLAN. What others? That is what I am trying to clear up.

Mr. COHN. There were a number of others, sir.

Senator McCLELLAN. Can you name them?

Mr. COHN. Yes, sir.

Senator McCLELLAN. Name them. I am trying to identify them. I assumed you meant the loyalty board, too, members of that, and who else?

Mr. COHN. Members of the loyalty board would be included. There were other people, sir.

Senator McCLELLAN. Who are the others?

Mr. COHN. There was a question of General Partridge being called in public session. I might say on that I agreed with Mr. Stevens that the public interest would be served by not having him in public session at that time. There was—

Senator McCLELLAN. All I am trying to do is identify what you mean, who you included.

Mr. COHN. General Reichelderfer, a man named—Do you want me to go over all the names, sir?

Senator McCLELLAN. Yes, at least a few of them, so we get a few of them—

Mr. COHN. General Reichelderfer would be a good name, sir. There was another gentleman who was connected with the Coleman case. I would rather not give his name because I am not positive of it—

Senator McCLELLAN. That is all right.

Mr. COHN. I can send a note up to Mr. Welch and he can get the name exactly for me.

Senator McCLELLAN. I am not trying to be too exact. I am trying to find out what he withheld, what he was trying to withhold. Did it also include those who may have been responsible in the Peress case?

Mr. COHN. Yes, sir.

Senator McCLELLAN. It would include those?

Mr. COHN. Yes, sir.

Senator McCLELLAN. And he refused—in this you mean, in the charge, that he refused to let those be examined or appear before the committee?

Mr. COHN. Yes, sir.

Senator McCLELLAN. Well, you had been calling for that information?

Mr. COHN. Yes, sir.

Senator McCLELLAN. And that is a part of the refusal to which you refer there?

Mr. COHN. Yes, it is; Senator.

Senator McCLELLAN. All right.

Now let's look down to No. 18. Before we leave 16, you state that is positively true?

Mr. COHN. Yes, sir; I do.

Senator McCLELLAN. No. 16.

Now, No. 18:

On or about September 21, September 28, October 2, 1953, and as a further step in these attempts to interfere with the investigation, Mr. Stevens importuned the Chairman and personnel of the committee not to require Major General Richard C. Partridge, Chief of Intelligence under Secretary Stevens' administration, to testify in public sessions concerning his responsibility for use of Communist line textbooks by the Army and his lack of qualifications to hold

the intelligence command due to his admitted unfamiliarity with the Communist probe.

Is that true?

Mr. COHN. Yes, sir. I want to point out on that point that the Secretary did not want us to call him. However, in fairness to the Secretary, he never said he would not produce him. He made it very clear that if we pressed the point, he would produce him, and produce him whenever the committee wanted him to appear.

Senator McCLELLAN. Well, then, as I understand, that charge, the only difference there was a difference in opinion as to whether he should be heard in public or in executive session, is that correct?

Mr. COHN. Well, sir; he had already been heard in executive session, and the question was, No. 1, should he be heard in public session, and if so—

Senator McCLELLAN. He had not objected to the executive session hearings?

Mr. COHN. Well, it just wasn't that way, Senator. General Partridge came over to the executive session and then became a witness. I don't think that Mr. Stevens knew in advance that General Partridge—

Senator McCLELLAN. All right. He had already testified in executive session?

Mr. COHN. Yes, sir.

Senator McCLELLAN. And the only difference in opinion here was whether he should then be called in public session; is that correct?

Mr. COHN. That is correct, sir.

Senator McCLELLAN. Let's go to No. 19.

Mr. COHN. Yes, sir.

Senator McCLELLAN. It reads:

After mid-September when the chairman directed open hearings on Communist infiltration in the Army, Mr. Stevens named John G. Adams to the post of Army Counselor for the principal purpose of—

and I quote—

handling the committee—

Mr. COHN. That is right, sir.

Senator McCLELLAN (reading):

and persuading it to cease its investigation of Communist infiltration in the Army.

Is that true or not true?

Mr. COHN. That is true, sir.

Senator McCLELLAN. May I ask one other question hurriedly?

Mr. COHN. Yes, sir.

Senator McCLELLAN. Do you charge now that that was the only reason and the principal reason or purpose for which Mr. Adams was appointed, to "handle the committee"?

Mr. COHN. No, sir; I don't say it was the only reason. There was a vacancy in the post of Department counselor. I do say, sir; that according to Mr. Adams' own statement to us, the principal reason for which he was chosen and his principal assignment was that of handling the committee.

Senator McCLELLAN. I am sorry my time is up. We will come back to it a little later.

Mr. COHN. Yes, sir.

Senator MUNDT. Senator Dirksen?

Senator DIRKSEN. Mr. Cohn—and Mr. Welch, may I invite your attention and suggest that you freely intrude anywhere in what examination I make, because I want to resume the matter that you alluded to this forenoon. When so many of the inconsequential things in connection with this proceeding have long since been forgotten, we shall still have to recur to what is before us in the charge and in the answer. The charge, of course, is improper influence. The answer is a denial, plus the assertion that it was done for a purpose. The purpose was to discredit, to discontinue, to derail the investigation. That is the language that is set up in the answer.

Mr. COHN. Yes, sir.

Senator DIRKSEN. If and when the activities of the committee are resumed and the subpoenas are issued for members of the loyalty and screening board and there is a conflict of opinion as to whether or not they can be called, we will be right back where we started and we will be confronted with the residual question which I think this committee is going to have to answer.

Mr. COHN. There is no doubt about it, sir.

Senator DIRKSEN. Mr. Cohn—I direct this also to Mr. Welch—I thought there was agreement this morning that it is within the purview of this committee to subpoena the members of the loyalty and screening board and that they must respond. I believe we had agreement on that this morning, did we not?

Mr. COHN. Yes, sir.

Senator DIRKSEN. And when they come they can be very properly questioned about a host of matters, and in the statement which appears in the executive hearings when Mr. Adams appeared some months ago, the chairman made it rather manifest that, among other things, he was going to ask about graft and corruption, and so forth.

Mr. COHN. That is right, sir.

Senator DIRKSEN. On these matters there can be no doubt that they can properly testify, I take it?

Mr. COHN. There is no doubt that it is founded in law or in reason, sir.

Senator DIRKSEN. I think also, Mr. Cohn, that is in accord with the opinion that was circulated here that ostensibly came from the Department of Justice, although I am not sure.

Mr. COHN. You are absolutely correct. The last paragraph of that opinion so states.

Senator DIRKSEN. Now we come to the crux of the question, and that is this: If they are subpoenaed and if they do appear in a hearing room and the committee chairman or the counsel undertakes to examine into the actions of members of the loyalty board with respect to review of the action taken by an inferior board, then the question is, can they respond? Before I will ask you to answer, I will at least throw an opinion out on the table, and that is this: There has been reference to members of the board as occupying a quasi-judicial capacity—that is one theory—and that in that capacity they are rendering a quasi-judicial function. On the other hand, I am inclined to the belief that you cannot clothe them with judicial capacity; that they remain administrative officers in the administrative branch of the Government, and that in reviewing the loyalty findings by inferior boards they are performing an administrative function.

At that point the question is: Can they then be summoned, regardless of a Presidential directive or otherwise, and compelled to testify with respect to their actions in reviewing as administrative officers what was done by an inferior board?

Do you have an opinion on that, Mr. Cohn?

Mr. COHN. Yes, sir.

Senator DIRKSEN. Would you recite your opinion to the committee?

Mr. COHN. My opinion, sir, is that the entire set-up in the national interest would require that they be summoned and required to answer questions along these lines, and that their role be deemed that of an administrative officer and not that of a judge operating under rules of law which do not exist for loyalty boards.

Senator DIRKSEN. I think, Mr. Chairman, that is all for the moment, unless Mr. Welch wants to put something in.

Senator MUNDT. Senator Jackson?

Senator JACKSON. Mr. Cohn, I would like to revert to our true-false interrogation.

Mr. COHN. Yes, sir.

Senator JACKSON. To go back to the question that we passed over, and you were correct, it should have "committee" in it, and I will repeat it for the record—on Meet the Press on March 14, 1954, you answered a question of Mr. Bell by stating, and I quote:

The only communication we had with the Army about Schine when he was down at Fort Dix was pursuant to our arrangement that after his training was over at the end of the day and over weekends when he was doing no training he would, instead of recreational activities, devote himself to committee work, and that was the only purpose of any communication we had with the Army while he was at Fort Dix.

End of quote.

Is that statement of yours true or false?

Mr. COHN. Yes, sir. The only word I might want to change is "while" to "about," discussions about the Fort Dix matter.

The only discussions we had about his training down at Fort Dix was in connection with finishing up subcommittee work.

Senator JACKSON. As I read it, isn't that directly from the transcript?

Mr. COHN. You mean what I said on Meet the Press? Yes, sir.

Senator JACKSON. I mean as I read it.

Mr. COHN. Yes, with the amendment I suggested this morning, it is exactly correct.

Senator JACKSON. You want to amend instead—as I have it here, "devote himself to committee work, and that was the only purpose of any communication we had with the Army"—now what do you want to change?

Mr. COHN. I would change "while he was" to "about."

Senator JACKSON. While he was about Fort Dix?

Mr. COHN. No, sir. Eliminate "while he was at" and put in "about."

Senator JACKSON. So it would be about Fort Dix.

Mr. COHN. Yes.

Senator JACKSON. What is wrong with "while he was at Fort Dix"?

Mr. COHN. Because, sir, there was discussion probably during that period of time about his assignment. After basic training, and there having been that discussion would make what I said here inaccurate.

Senator JACKSON. So you are modifying the answer to Mr. Bell

as you have indicated, namely, you strike out "while he was at" and insert "about Fort Dix"?

Mr. COHN. I think that would be true.

Senator JACKSON. That statement then would be true as modified?

Mr. COHN. Yes, sir.

Senator JACKSON. So your answer to the statement as modified by you is that the statement is true?

Mr. COHN. Yes, sir.

Senator JACKSON. I believe at the close of the last go-around, I put to you the question, and I state it again—I don't believe we quite finished it—the statement you made on Meet the Press on March 14 in answer to Jack Bell that you never used vituperative language in your dealings with the Army officials. Is that true or false?

Mr. COHN. In my opinion the statement that I used vituperative language is false. As I have explained as many times as I can, sir, I think the language I used is the same as anybody else uses. There might be an occasional word which I would not want to repeat on television.

Senator JACKSON. Some of those words, then, would be vituperative, wouldn't they?

Mr. COHN. Sir, it is awfully hard to say. What to me might not be vituperative, to a very sensitive soul might be vituperative. What to me might be vituperative, to somebody else who uses more cuss-words than I do might not be very vituperous.

Senator JACKSON. In the light of the behavior of the recipient of the language would you say that the behavior would indicate acquiescence and agreement in the language or would you say that the behavior indicated a rather aroused reaction of resentment?

Mr. COHN. I would say Mr. Adams never seemed overly shocked at anything I said.

Senator JACKSON. How about the language used in the presence of Colonel BeLieu and others? Did he appear to be agreeable to it?

Mr. COHN. You mean about—

Senator JACKSON. At the incident at Fort Monmouth, the now famous incident.

Mr. COHN. You mean about they let Communists in and they kept us out?

Senator JACKSON. That is right, and that you had access—and that you had had access, I believe, according to your statement, to FBI files.

Mr. COHN. Sir, there might be a difference there. I would not regard any of that as vituperative or obscene language.

Senator JACKSON. Would you say that it was strong and rather inflated language?

Mr. COHN. Well, maybe a lot of what I say is inflated, sir, and a lot might be strong. But I don't regard it as vituperative or obscene.

Senator JACKSON. Do you describe it as sort of animated conversation?

Mr. COHN. Sure, that is fine.

Senator JACKSON. No obscene language was used?

Mr. COHN. No, sir. I don't know anything that has been testified to in this room which I would call obscene language; no, sir.

Senator JACKSON. I thought some of it you didn't want used on television.

Mr. COHN. That was said up at Monmouth that day, sir.

Senator JACKSON. I mean in the course of all these transactions. I understood from your previous testimony there were some that you didn't want to repeat on television.

Mr. COHN. I think that is right.

Senator JACKSON. What category would that fall into?

Mr. COHN. I might be overcautious about it, sir, but there are some parts I would not want to use on television.

Senator JACKSON. The next question, Mr. Cohn: In Mr. Adams' testimony on May 12, page 2606 of the record, he stated that you, Mr. Cohn, said that when you heard that David Schine was liable to be sent overseas, Stevens is through as Secretary of the Army. Did you or did you not make that statement?

Mr. COHN. No, sir, I am sure I did not make that statement.

Senator JACKSON. Is Mr. Adams' testimony under oath that you did make that statement true or is it false?

Mr. COHN. Mr. Adams is mistaken, sir.

Senator JACKSON. No; let's pin this down. This is why we are here. I am trying to pinpoint these different contentions. Is Mr. Adams' testimony which he made under oath that you did make that statement—is that statement true or is it false?

Mr. COHN. Mr. Adams is mistaken, sir. When you use the word false in connection with a perjury statute, you are injecting elements of willfulness, intent, and things along those lines from a legal standpoint on which I cannot pass.

Senator JACKSON. I am not asking you a question to give his state of mind. That would be for a jury to decide in a court.

Mr. COHN. Right.

Senator JACKSON. All we are trying to get here is the testimony. And as you know, this testimony goes elsewhere, Mr. Cohn. As a lawyer, we have no responsibility to determine whether any statements made were premeditated, with intent or design, to willfully tell a falsehood. That is not our responsibility.

Mr. COHN. Yes, sir.

Senator JACKSON. Now, is Mr. Adams' testimony under oath that you did make that statement—is it true or false?

Mr. COHN. I will say, sir, I did not make the statement. Mr. Adams is mistaken if he says I did, period.

Senator JACKSON. What you are saying is that you do not want to say that it is true nor do you want to say that it is false?

Mr. COHN. Sir, I am saying when I am being put into a position of passing judgment on another human being's state of mind, words and conduct, the best I can do is tell you what happened and what my memory is, and tell you, sir, that I believe he is mistaken, that that was not said. And I believe, sir, that that is a perfectly proper and appropriate answer for me to make.

Senator JACKSON. Well, it is kind of hard for us, if every time we get conflicting testimony, Mr. Cohn, we are going to find a witness, when we are up against a statement made by the other side—I put these questions to the other principals and they answered a lot of them true or false. It means that if the opposite party to those interrogations are going to say, "Well, I won't say it is true, I won't say it is false; I will say he was mistaken." Of course, that leads us nowhere and

there is no direct answer. As you know as a lawyer, that is exactly the situation.

Mr. COHN. No, sir, I think, if you ask me on that point, that possibly some people on the other side were a little bit careless with some of their answers.

Senator JACKSON. That is their responsibility and it is a heavy one, Mr. Cohn.

Mr. COHN. Yes, sir. And I will not take the responsibility, no matter what my feelings about Mr. Adams or anyone else might be, of being careless about any testimony I give here. I will tell you, sir, Mr. Adams was mistaken, that was not said. Whether his testimony was false and willfully false is something this committee will have to judge and will have to be judged elsewhere.

Senator JACKSON. I gave you some previous questions and you answered true or false.

Mr. COHN. Sir, I don't believe you had me saying the word false. I can tell you what happened. I can tell you if Mr. Adams or Mr. Stevens might be mistaken about something. And, I think you have, sir, if I may respectfully suggest, a very plain answer here, that my testimony is I cannot say that, I cannot be more direct than that.

Senator JACKSON. I think the plain answer would be whether it is true or false. That is a matter for the record. Mr. Adams went on to say under oath that you also stated at that time, when you heard that David Schine was liable to be sent overseas that, and I quote, "We will wreck the Army."

Did you or did you not make this statement?

Mr. COHN. No, sir.

Senator JACKSON. You didn't make it?

Mr. COHN. No, I didn't.

Senator JACKSON. Is Mr. Adams' testimony under oath that you did make that statement true or false?

Mr. COHN. Mr. Adams testimony under oath that I made that statement is wrong, it is mistaken, sir, it did not happen, period. Senator Jackson, perhaps the trouble is this: I tried cases in courtrooms, I know that an answer such as that would be an improper one for a witness to give.

Senator JACKSON. Do you mean it is improper for a witness to say whether a statement made by another person in their presence is true or false?

Mr. COHN. Yes, sir. I think it would be up to the witness—

Senator JACKSON. What kind of a courtroom would that take place in?

Mr. COHN. Well, sir, I guess maybe in those, perhaps humble courtrooms in which I tried some cases, sir, a witness gives a statement of what happened, and the jury decides whether the testimony—which testimony is true and which testimony is false. The witness does not undertake to make that decision.

Senator JACKSON. Obviously the witness does not make the decision, the jury does, but the witness can say whether a certain statement is true or whether it is false. That is the opinion of the witness and it is for the jury to decide.

Mr. COHN. Yes, sir; and I am telling you as plainly as I can, sir, I did not make that statement. When you go further and ask me to read Mr. Adams' mind, in light of the perjury statute and tell you

whether or not he is committing perjury and deliberately and willfully making a false statement, that, sir, is something which I don't believe I should be called upon to do here.

Senator JACKSON. You know that I am not asking you to decide, and you are a good lawyer, whether Mr. Adams is committing perjury. I am merely asking of you the testimony. It is for a jury to decide who is committing perjury.

Mr. COHN. Yes, sir.

Senator JACKSON. And you do not want to answer it one way or the other, true or false?

Mr. COHN. I want to answer very definitely, sir, that I did not make the statement, period.

Senator JACKSON. Then if you did not make the statement, the statement is false, is it not?

Mr. COHN. There are two possibilities, sir, either there is a deliberate lie, or Mr. Adams is mistaken, in error, in what he told this committee. It is not for me to decide which might be the case, sir.

Senator JACKSON. In other words—

Mr. COHN. Senator, I will say anything you want me to, sir.

Senator JACKSON. No, you are the one that is answering these questions. I am not asking you to say anything but what is the truth.

Mr. COHN. The truth is, sir, I did not make the statement. That is the truth, sir.

Senator JACKSON. You did not make the statement?

Mr. COHN. No, sir.

Senator JACKSON. Then it follows that if Mr. Adams testified under oath that you did make the statement, that statement must be false, isn't it?

Mr. COHN. That might very well be your conclusion, sir, and I might very well agree with you.

Senator JACKSON. You might well agree with me?

Mr. COHN. Yes, sir. If you want a personal opinion from me on it, I would give that, sir.

Senator JACKSON. All I want is your testimony.

Mr. COHN. My testimony is I did not make the statement, sir.

Senator JACKSON. Well, I think the record speaks for itself.

Mr. COHN. Yes, sir.

Senator JACKSON. Mr. Cohn, you were quoted on March 14, and I quote:

Throughout the pattern was that we wanted and everybody wanted and I wanted what was coming to him—

meaning Schine—

nothing more and nothing less, and I do not believe that he or anybody else on the committee used any kind of pressure to get the Army to bring this about.

Is this statement that you never used any kind of pressure on the Army with reference to special treatment for Private David Schine true or false?

Senator MUNDT. The Senator's time has expired. The witness may answer the question.

Mr. COHN. My answer to that is that I did not use pressure, in my opinion, sir, and the statement is a true statement. My statement is a true statement.

Senator JACKSON. Your answer is that it is a true statement?

Mr. COHN. My answer is that my statement is a true statement. Senator JACKSON. That I read to you?

Mr. COHN. Yes, sir.

Senator POTTER. Mr. Cohn, I wish to invite your attention to the statement of Secretary of the Army Stevens. On page 22 of this statement he states this:

An unsigned memorandum of November 17 also made public March 12 by Senator McCarthy states it was at this luncheon in New York that I suggested that the committee go after the Navy and Air Force. This is not true.

You have testified under oath that this is true; is that correct?

Mr. COHN. Yes, sir.

Senator POTTER. I then refer you to the next page, Mr. Cohn, the second paragraph, where he states this:

It is a peculiar thing to me that this charge that I tried to persuade the chairman of this committee to investigate the Navy and Air Force was kept secret so long. Why should it only come to light 4 months later on the day after the Army's chronological events became public?

Why was that so?

Mr. COHN. That was so for this reason, sir: Mr. Stevens and Mr. Adams were trying for a period of time to get us to stop the investigation. There was the suggestion made that we give some attention to the Navy and the Air Force and leave the Army alone for awhile. If you ask why that was not made public, sir, we have had other investigations, there have been other instances in which people who were being investigated wanted us to stop and look elsewhere. The thing was not that unusual.

I might say, sir, I did not feel—and I assume Senator McCarthy did not feel—that we had to run for help and start yelling publicly and have a congressional investigation because Mr. Stevens and Mr. Adams wanted us to go someplace else with our subpoenas.

Senator POTTER. Mr. Cohn, at the time this statement was made by the Secretary, did you consider that to be made in a serious vein? Did you take it seriously?

Mr. COHN. Yes, sir; I think he was serious. He wanted us to move away from his Department and go to the Navy and Air Force.

Senator POTTER. If you did take it seriously, don't you think that is a pretty major charge or statement to be made by the Secretary of the Army?

Mr. COHN. I have heard stranger things than that suggested.

Senator POTTER. Didn't it shock you a little bit?

Mr. COHN. It did not shock me particularly, sir.

Senator McCARTHY. Senator Potter, I wonder, without taking this out of your time, if you would yield long enough so I could give—

Senator MUNDT. It will have to come out of his time, and Senator Symington has to leave. The Chair suggests that we will be down to your 10 minutes pretty soon, Senator McCarthy, and you may do it then.

Senator McCARTHY. The only reason I ask for this is that I asked Mr. Seaton to go to his television and make sure I correctly quoted him.

Senator MUNDT. I think he could hear Senator Symington in action and Senator Potter in action, and it won't be very long.

Senator Potter?

Senator POTTER. The only persons who knew about this charge made by the Secretary of the Army that you go after the Air Force and the Navy were yourself and Senator McCarthy and Mr. Carr?

Mr. COHN. No, sir. There were others.

Senator POTTER. Did any other member of the committee have this information?

Mr. COHN. I don't know that, sir.

Senator POTTER. Was it your plan to bring it to the attention of other members of the committee?

Mr. COHN. It was not my plan, sir, no.

Senator POTTER. Did you think it was information that the committee should have?

Mr. COHN. Sir, if it were, I am sure the chairman of the committee would have given it to his colleagues. It was not on my level to go to the members of the committee and give them that information.

Senator McCARTHY. May I say to Senator Potter that I believe I reported this conversation to the members fully, unless I am mistaken in that. I know I reported the conversation with Mr. Adams in my apartment, and I think I reported the other conversation. I might be mistaken.

Senator POTTER. Unless my memory is mistaken, I believe the first I heard about it was the meeting in your office at the time that the report came out. If the Senator has any data to the contrary, I would be glad to have it, but that is my understanding.

Senator McCARTHY. I wouldn't argue with the Senator, but I thought I had given you that information at the time I reported the conversation with Mr. Adams in my apartment. But if your memory is to the contrary, I will be glad to abide by yours.

Senator POTTER. The point I am trying to establish is this: At the time this statement was made, which you considered a serious statement—and I would, likewise—I think it is a deplorable thing to have a Secretary of one branch of the service trying to undermine his colleague services—the thing that disappoints me as one member of the committee is that it wasn't brought to the attention of the committee.

Mr. COHN. I don't think it was my obligation to do so.

Senator POTTER. You may be correct.

I have nothing further.

Senator MUNDT. Senator Symington?

Senator McCARTHY. Senator Symington, I wonder if you would agree to yield whatever of your time I would take—

Senator SYMINGTON. I have to leave at 3:30, but I will still have time, unless the Senator wants to take a lot of time, and therefore I will be glad to yield for whatever he has in mind.

Senator MUNDT. The Chair suggests that you transfer your 10 minutes to Senator McCarthy now.

Senator SYMINGTON. That would be satisfactory to me, Mr. Chairman, provided there is no further yielding and I can leave with Senator Dirksen at 3:30.

Senator MUNDT. Senator Dworshak is temporarily absent, and you will be next. The Chair recognizes Senator McCarthy for 10 minutes, and will recognize Senator Symington for 10 minutes immediately thereafter.

Senator SYMINGTON. May I say, if the Senator can do it in 5 minutes, I would appreciate it.

Senator MUNDT. Very well.

Senator McCARTHY. I think I can do it in 2 minutes. Then I will be glad to yield back to the Senator whatever time it is I take.

Mr. Chairman, I left the room as I told the Chair I would, and I called Mr. Fred Seaton and asked him what the position of the Pentagon was in regard to receiving this information. He said that they would be glad to accept the information. He indicated that they wanted the information. He said he had no objection at all to having an official reporter present to take down everything that is said at the time the material is turned over to him. He said that there apparently was some misunderstanding. He said last night he wasn't aware of this requirement that the name would not be made public nor that there be an official reporter present.

I am willing to take Mr. Seaton's word for that. I think he is a very truthful individual. He talked to Mrs. Driscoll this forenoon. Mrs. Driscoll tells me that he said he would call back within half an hour and tell her whether or not they would be present at 12:30. Mr. Seaton indicated that that was not his understanding of the conversation, that there was some question in his mind whether or not I would be available in view of the hearings. At the present time the position of the Defense Department I think can be stated thusly: As I said, I have asked Mr. Seaton to tune in his television set to make sure that I properly quote him. I think their position is roughly this:

No. 1, they want the names of any individual with a subversive record, a record of Communist activity, who is working in a defense plant. That they will promptly move, using the machinery which they have available. There is apparently only one question which may hold this up temporarily until it can be worked out. When I told Mr. Seaton that we have this committee rule that we cannot make the name of any individual accused of wrongdoing public unless and until he is allowed to appear in public and deny the accusation and give his version of the story—I pointed out to Mr. Seaton that out of the 130 people, even though their records indicate that they all have been active in Communist work, that the law of averages would indicate that certainly a few of them might be able to prove their innocence and that is why this committee has unanimously adopted the rule that the names of people not be made public until they have a chance to appear personally in a public session.

He said that in theory he would certainly agree with that but there was some question in his mind as to whether or not that might tie the hands of the Defense Department in proceeding to press and expose these people.

I might say that Mr. Seaton and I had a completely friendly conversation. The only question is, can they abide by our rule to keep all these names secret and at the same time perform their function of getting rid of these particular individuals.

We agreed before I came back up here that we would try and work that out later this afternoon if possible. In fact, Mr. Seaton said he expected to call me back within the next 10 or 15 minutes. I will be glad to yield.

Senator JACKSON. Do I understand that they still have a lot of problems now about receiving these 135 names?

Senator McCARTHY. I think their only problem, Senator Jackson, is this——

Senator JACKSON. Matter of making it public?

Senator McCARTHY. A question of abiding by the committee rule.

Senator JACKSON. Why do they have to make it public?

Senator McCARTHY. I don't know. I told him that we have a rule, that I, as chairman, cannot make any names public until they appear under oath, and that therefore I could not give them the names unless they would commit themselves not to make the names public, and he said there was some question about their being able to follow that rule without tying their hands. I can see they have some problems on that.

Senator JACKSON. Senator, why don't you suggest, when he calls back in 10 minutes, that—Mr. Seaton is certainly a very able newspaperman, and what I know about him is of the best, a very capable public information man. Might it not be wise to suggest to him, and I know you want to be fair——

Senator McCARTHY. Thank you.

Senator JACKSON. That he send someone up here and explain, when he has an opportunity, to do it before millions of American citizens, explain why all this delay in receiving 135 names? I don't know of a better opportunity for him. I think they understand in the Pentagon that there are a lot of people watching this.

Senator McCARTHY. I think in fairness to Fred Seaton I should say when he talked to my office at 10:30 this morning, while my secretary, in whom I have absolute confidence, told me that she was assured that she would receive a return call within a half hour, so she would know whether or not somebody was coming from the Pentagon to receive the information during the noon hour, Mr. Seaton said that that was not his understanding of the conversation, that he did not know when I would be free, when I would be available, and I am willing to accept that explanation. I just sincerely hope that my friends in the Pentagon can work out some system whereby this information will be received by them and acted upon at the very earliest opportunity. And also may I say, Mr. Chairman, it is a little more than 2 minutes, I am afraid, Stu—may I say, Mr. Chairman, that I sincerely hope that within the next 24 hours this committee will give me permission as chairman of the Permanent Investigating Committee to proceed to hold hearings in the evening and on Saturdays, so we can put these individuals on the stand and bring out the facts. It is just too dangerous a situation to have existing that way.

Senator MUNDT. May the Chair inquire how much time the Senator from Wisconsin consumed?

Senator POTTER. Will the Senator yield while we are finding out the time?

Senator McCARTHY. I will be glad to.

Senator MUNDT. You will have 3 minutes, Senator McCarthy, on your go around. The Chair promised Senator Symington he would hear him, because he has to leave.

Senator McCARTHY. Senator Potter, may I say Senator Potter has to leave. There is only 3 minutes left. If you will hold it until he is through, I would appreciate it.

Senator MUNDT. The Chair recognizes Senator Symington for 3 minutes.

Senator SYMINGTON. Mr. Chairman, first I recommend that we have a formal invitation sent to Secretary Seaton and find out what this is all about. The next thing is that I would like to ask the witness back on these charges. The question of loyalty to me has become a very important matter, obligations under our laws. I believe our greatest heritage is that we have a Government of law and not of men. Mr. Cohn, I would like to ask: I understand you agree that the names of informants in your files, in the committee files, are top secret which you will not reveal. Is that correct?

Mr. COHN. I don't believe that the names of informants should be revealed, sir. When you say will not, it is a question of whether or not I would obey a direction of this committee, and I would obey any directions—I would certainly obey any direction that is given to me by the committee.

Senator SYMINGTON. But you do not believe they should be revealed?

Mr. COHN. No, sir.

Senator SYMINGTON. Do you agree that no power on earth could get you to reveal the names of informants unless you were told to do so by the committee?

Mr. COHN. I would certainly be in a very uncomfortable position, sir, if I were ordered by this committee. I can't believe the committee ever would order me to make public names of loyal people who have furnished information on Communists to this committee.

Senator SYMINGTON. I didn't say make public. I said reveal the names to the committee.

Mr. COHN. Any persons who are committee informants, sir, I would reveal those names to the committee; yes, sir.

Senator SYMINGTON. By a majority vote of the committee?

Mr. COHN. Yes, sir.

Senator SYMINGTON. If you had informants that you would reveal their names, if a majority vote of the committee asked you to do it?

Mr. COHN. Yes, sir; if they were committee informants.

Senator SYMINGTON. Suppose that one of the committee assistants in his own honest judgment decided that the names of informants or classified secret material should be sent either to the Attorney General or to one of the Senators on this committee and he did so. Would you think he was justified in doing so?

Mr. COHN. Senator, I didn't get that.

Senator SYMINGTON. Suppose that one of the committee assistants, against the wishes or instructions of the committee, in his own honest judgment, decided that the names of informants of classified and secret material should be sent either to the Attorney General or to one of the Senators on the committee and did so. Would you think he was justified in doing so?

Mr. COHN. I can't answer that very well, sir.

Senator SYMINGTON. Let me repeat the question to you again. I think it is pretty simple.

Mr. COHN. I think I get the question, sir, but there are so many elements in there. I would want to know—

Senator SYMINGTON. You say an informant in the Pentagon has the right to come over here and give to this committee a secret document. What I am asking you is if a member of this committee staff, for the same reason, felt he was doing what was right for the United

States, came over here and—rather, left us and gave out to somebody else, to the Attorney General, say, a secret document in this committee. Do you think that would be right?

Mr. COHN. If the document—first of all, sir, we have no power to classify documents.

Senator SYMINGTON. I haven't got too much time. I would appreciate it.

Mr. COHN. Yes, sir. I say we have no power to classify documents.

Senator SYMINGTON. Suppose it is a secret document from another department.

Mr. COHN. I think, sir, what you are getting at is this: If a member of the staff of this committee knew of an act of corruption or violation of law on the part of somebody else on the committee, and went to the FBI, who is the Attorney General's investigative branch, I would say he has a right to do that, sir.

Senator SYMINGTON. You believe he has a right to disobey the orders of the committee and its chairman?

Senator McCARTHY. Mr. Symington?

Senator SYMINGTON. I have very little time. I would appreciate not being interrupted.

Suppose there was such a rule. Would he have a right to disobey it?

Mr. COHN. If there was such a rule?

Senator SYMINGTON. Yes.

Mr. COHN. And it involved a violation of law?

Senator SYMINGTON. That is right.

Mr. COHN. And he had evidence of it?

Senator SYMINGTON. Violation of the committee ruling.

Mr. COHN. And he had evidence of the violation of law?

Senator SYMINGTON. In other words, the higher authority we talked about the other day.

Mr. COHN. I believe it would be up to him to decide whether the oath of office to his country and to his job, whether, in following the oath of office, he feels the only way he could follow it according to his conscience and his God would be to go with that information to the FBI and if he makes that decision—

Senator SYMINGTON. In other words, regardless of what the committee regulations are, if any staff member of the committee or the chief counsel decided under his oath to support the Constitution that he could disobey those committee rulings, that he would have the right to do it?

Mr. COHN. If there are violations of law being covered up by the committee, sir, he might very well—I am sure there wouldn't be any such situation, sir, but he might very well decide that his oath would require him to go to the FBI; yes, sir.

Senator SYMINGTON. And it would be his decision?

Mr. COHN. Yes, sir.

Senator SYMINGTON. Would the fact that the committee assistant had sworn to uphold the Constitution of the United States and defend and protect our Nation justify him in your opinion in revealing the names of informants to, say, Senator McClellan, or Senator McCarthy, of classified secret material, on the ground that it would be the best way to protect the Constitution of the United States and the laws of the country?

Mr. COHN. Could I get that again, sir?

Senator SYMINGTON. Let me repeat it to you. Would the fact that this assistant on the committee we were talking about, had sworn to uphold the Constitution of the United States and defend and protect our Nation justify him, in your opinion, in revealing the names of informants to such people as Senator McClellan or Senator McCarthy, to reveal to them classified secret material on the ground that this is the best way to protect the Constitution of the United States and the laws of our country?

Senator McCARTHY. Mr. Symington, may I say that the witness may understand that. I don't know.

Senator SYMINGTON. May I say that perhaps that doesn't surprise me.

Mr. COHN. Well, sir, I think—I want to give you an answer, Senator, but I am not sure I—Do I understand the question to be this: If somebody on the committee staff were to give to Senator McCarthy and Senator McClellan information—

Senator SYMINGTON. Let's read it again very slowly. I am sorry about my time. I will have some more time.

Mr. COHN. If there is any way to extend the time, sir—

Senator SYMINGTON. Suppose that a member of the committee staff has sworn to uphold the Constitution of the United States—

Mr. COHN. I got that.

Senator SYMINGTON. Now, suppose that he believes he should defend and protect the Nation—

Mr. COHN. Yes, sir; I have that, too.

Senator SYMINGTON. In your opinion has he the right to give classified information, classified secret material, to Senator McClellan or Senator McCarthy, because he believes this is the best way to protect the United States?

Mr. COHN. A member of the staff of our committee, sir?

Senator SYMINGTON. That is, information that he received wrongly. Classified information.

Mr. COHN. Sir, I just don't understand how anything like that could arise. I would assume that any information a member of the staff would have would be information concerning an investigation which the committee was conducting, and I—

Senator SYMINGTON. Let's say, suppose that there are some members of the staff, I understand several, who have not been cleared by the Department of Defense. Do you know if that is true or not?

Mr. COHN. No, sir, I don't.

Senator SYMINGTON. You might check it.

Mr. COHN. I would be very much interested in that, sir. I know that every member—

Senator SYMINGTON. You might check it and if I have made a mistake in saying it, I am sorry, and I would like to correct it on the record. Let me go on with the question. You have a document which you have received, we will say a document purporting to be signed by Mr. Hoover. That is part of the files of this committee.

Mr. COHN. That document, sir, was given to Senator McCarthy.

Senator SYMINGTON. It was in the committee file.

Mr. COHN. You have to take that up with him, sir.

Senator SYMINGTON. Supposedly in the committee file.

Mr. COHN. The status of information that is given to Senator McCarthy—

Senator SYMINGTON. I see. In other words, you don't know whether it was ever in the committee files or not?

Mr. COHN. Sir, I can put it to you this way, Senator Symington: There are certain people who furnish information to Senator McCarthy, certain people in this country—

Senator SYMINGTON. Let's suppose it was in the committee files. Let's suppose a document like this that was in the committee files.

Mr. COHN. Yes, sir.

Senator SYMINGTON. And suppose that the instructions were that it should not be taken out of the committee files, that it was a document that was obtained from another agency and put in the committee files. Suppose that you have a man on the committee staff who thinks that he has the right to take that document and to give it to somebody else. Do you believe that he has that right?

Mr. COHN. Sir—

Senator SYMINGTON. In other words, does the same law apply to a member of the committee staff that applies to the young intelligence officer who gave a letter which purported to be signed by Mr. Hoover—

Mr. COHN. The same oath of office and the same obligations to the Constitution and country would apply to members of the committee staff just as well as they would apply to anybody working anyplace else.

Senator SYMINGTON. If it was right for the young Army intelligence officer to give it to anybody on this committee, the same rules would apply if a member of this staff wanted to break the rules and give it to the Attorney General; right?

Mr. COHN. Sir, you try to make—to have me give a long story in a very short time. I said to you, sir, if there was evidence of violation of law or covering up of a criminal situation in this committee and a member of the staff goes to the FBI, I can conceive of circumstances where that would be proper, sir, yes. I can.

Senator SYMINGTON. I am talking about giving a secret document.

Mr. COHN. I can conceive of circumstances where that would be proper, sir. We don't have any power to classify any documents. We just don't have—

Senator SYMINGTON. Suppose an assistant working in the FBI handling classified secret materials dealing with the trapping of Communists decides in his judgment that the FBI isn't acting vigorously enough and he would prefer to release, contrary to Mr. Hoover's orders, this secret document to, say, a newspaper fighting communism. Would you consider that justified?

Senator MUNDT. The Senator's time has expired. You may answer.

Mr. COHN. Could I get that read back and then answer?

Senator MUNDT. You may reread the question.

Senator SYMINGTON. Suppose an assistant working in the FBI handling classified secret material—

Mr. COHN. Yes, sir.

Senator SYMINGTON. Dealing with communism—

Mr. COHN. Yes, sir.

Senator SYMINGTON. Decided in his judgment that the FBI isn't acting vigorously enough—

Mr. COHN. Yes, sir.

Senator SYMINGTON. And that he would like to release the documents, contrary to Mr. Hoover's orders, to a newspaper which has been fighting Communists. Would you consider that he was justified in doing it?

Mr. COHN. I would consider, sir, that the hypothesis which you suggest could not happen.

Senator SYMINGTON. That is not an answer to my question, and you know it. The truth of the matter is, as long as you have consistently refused to answer the questions, in my opinion you are setting up one set of rules for people who will give you information, and another set of rules as to what you do with the information.

Mr. COHN. I said just the contrary, Senator.

Senator SYMINGTON. We will continue this tomorrow.

Senator MUNDT. The Senator's time has expired.

Mr. COHN. I will try.

Senator MUNDT. Senator Dworshak, I notice you have just entered the room. Do you have any questions at this time?

Senator DWORSHAK. No questions.

Senator MUNDT. Senator McCarthy, you have 3 minutes remaining on your go-round.

Senator McCARTHY. Mr. Cohn, we have heard a lot about one-man committees, especially by those who object to a committee conducting an investigation. I wonder if you would, for the record, give us the reason why the various investigating committees in the Senate and the House have adopted the one-man quorum rule?

Mr. COHN. I believe the primary reason, sir, is to be found in the decision of the Supreme Court of the United States in the Christoffel case. The general law, sir, I believe, is that a necessary element in a conviction for contempt or perjury or some conduct before a congressional committee is proof that a quorum of the committee was present at the time that the witness gave the particular answer. In other words, sir, there might be, say, a quorum with three people. There might have been three Senators there at the beginning of the hearing. One of them might receive a telephone call and walk out of the room for 2 minutes. Then there would no longer be a quorum there at that moment.

On the other hand, that might not have happened. All three might be there all the time, but people might not remember that they were there all the time. Unless the Government can prove beyond reasonable doubt that all three were there at every minute when the disputed question was being asked, the conviction would be reversed and thrown out due to that technicality.

Senator McCARTHY. May I interrupt, Mr. Cohn?

Mr. COHN. Yes, sir.

Senator McCARTHY. You mentioned the Christoffel case. Perhaps some of our jury do not know who Christoffel was. Am I correct in this? Christoffel was a member of the Communist conspiracy?

Mr. COHN. Yes, sir.

Senator McCARTHY. He was convicted. His case was appealed, and the conviction was set aside, because at that time the committee had the rule that a majority of the Senators on the committee had to be present to take testimony. The conviction was not set aside

because he was not guilty, but because it was apparently impossible to prove that at all times during his testimony a majority of the Senators were present. Some might have stepped out to get a drink of water, some to take a phone call, and on down the line.

From that time onward, as far as you and I know, every investigating committee has protected itself by adopting the rule that one man constitutes a quorum, so a Communist cannot avail himself of the same defense Christoffel availed himself of?

Mr. COHN. That is right, sir. Because one man is a quorum doesn't mean that the others can't be there.

Senator McCARTHY. Let me ask you this: If you were to go back to the old rule that existed before the Christoffel case, it would make it difficult beyond words, would it not, to convict anyone for contempt of the committee, for perjury, for any crime before the committee?

Mr. COHN. It would present what the Supreme Court has found to be a definite obstacle to obtaining such conviction; yes, sir.

Senator MUNDT. The Senator's time has expired.

Mr. Welch, you have 10 minutes.

Mr. WELCH. On the other hand, Mr. Cohn, if you had the one member representing a complete committee rule, it wouldn't hurt any to have another member or two around at a hearing, would it?

Mr. COHN. No, sir; it wouldn't, Mr. Welch, and as I said just a moment ago, the fact that only one is necessary does not mean the others are not welcome or should not be there when their other duties permit.

Mr. WELCH. That is right. I wanted us clearly to understand each other.

Mr. COHN. Surely.

Mr. WELCH. You don't have to have a one-man committee. It is just convenient to be able to have one-man committees.

Mr. COHN. Surely, sir. One man must be there, and if the others come on, it is a matter of their own independent judgment as to whether their other duties permit them to take time to be at the meetings.

Mr. WELCH. Right. You don't really have any serious difficulty about it as long as the chairman is there and running the hearing.

Mr. COHN. We have had no difficulty about it.

Mr. WELCH. That is right. Strike that out.

Mr. Cohn, because of the way the questioning goes here, some people may be directing their attention at one time and some at another.

Mr. COHN. Yes, sir.

Mr. WELCH. Senator Dirksen and I have been merely trying to illuminate, let us say, this question about loyalty boards, so we will all understand where we are.

Mr. COHN. Yes, sir.

Mr. WELCH. You and I have had what I would like to think is a lawyer-like and pleasant discussion about that.

Mr. COHN. Yes, sir.

Mr. WELCH. We had reached the point I think when I exhausted my last—pardon me. Could you move forward slightly or are you helpless? I know you have a bench in front of you, sir. I didn't mean to say you couldn't move.

Thank you.

Mr. Cohn, we had reached this point—I certainly beg your pardon. I know you have a bench that I have faced myself and I thought you were against it.

Mr. Cohn, we had reached the point where you had, I think, made it clear that in any case where a loyalty board had made a decision affecting Communists or a subversive that this committee was completely free to call the members of the loyalty board who had passed on that case and inquire into their reasons for deciding as they did.

Mr. COHN. There are a lot of qualifications to that, Mr. Welch, but I will give you a "Yes" answer if that will help.

Mr. WELCH. Well, I think it would, because while I can see there might be some, the general answer is "Yes."

Mr. COHN. Sure.

Mr. WELCH. And then I had gone on to ask you this. If you had such a loyalty—such a member of a loyalty board before you, I was asking you whether there would be any reason not to ask him, "Now, what have you got pending, what have you got pending on the docket?" I am not sure whether you answered that or not, but I am somewhat under the impression, not having seen the transcript, that you thought under some circumstances that that would be proper, too.

Mr. COHN. What I can see on that, a member might say, "How many panels are you sitting on now, how many cases do you have under consideration?" or something like that.

Mr. WELCH. But on the other hand, you were not going so far as to say, "What are the cases that you have heard, and what are the decisions?"

Mr. COHN. Yes, sir.

Mr. WELCH. You wouldn't want to inquire into those?

Mr. COHN. I can't pass judgment in advance on those, sir.

Mr. WELCH. Let's try one. Suppose he said, "Well, we heard a case last week. There are 10 witnesses. We heard them all and we are going to decide it next week."

Do you feel, Mr. Cohn, that as a legal proposition you would have a right to inquire into the facts they had heard?

Mr. COHN. Yes, sir, I would say we had a right to inquire.

Mr. WELCH. And you could then, if you wished, find out the facts that were before the loyalty board for decision the following week?

Mr. COHN. Well, sir, I say we have a right to inquire whether—

Mr. WELCH. If you have a right to, then the answer is that you could if you wanted to?

Mr. COHN. We could ask. I am not saying we could get an answer, sir.

Mr. WELCH. That is the point that interests me.

Mr. COHN. Yes, sir.

Mr. WELCH. You and I as lawyers know there are a great many questions that you can ask but you can't require the answer.

Mr. COHN. Yes, sir.

Mr. WELCH. Certainly, I think we have been understanding each other, I hope we have, that in those instances where there are decisions of the loyalty board that have already been made and are in effect, and in particular if they have resulted in what you have called clear-

ing a Communist, you are quite clear that you can ask for the reasons that led the loyalty board member to reach that decision?

Mr. COHN. Yes, sir, I could think of a lot of appropriate questions along those lines which could be asked, yes.

Mr. WELCH. And having asked the question, you are clear that you have a right to an answer?

Mr. COHN. As to certain of the questions, I am sure that we have a right to an answer. As to certain, sir, there might be a question.

Mr. WELCH. Now, let's understand each other on this point. If you had heard that people were bribing a loyalty board member at a thousand dollars a crack to decide in favor of Communists, you and I would be in enthusiastic agreement that that bribe could be gone into, wouldn't we?

Mr. COHN. I certainly would be, sir.

Mr. WELCH. Yes, there is no doubt about that. But as you know, Mr. Cohn, I am in quite a different area. I am talking now, you understand, about a perfectly honest member of a loyalty board, in the sense of not accepting bribes and not being corrupt or anything of that sort. Do you follow me?

Mr. COHN. You are excluding bribery or corruption. Are you also excluding, Mr. Welch, having a Communist-front record himself and having a prejudice—

Mr. WELCH. Yes, I think I would much rather exclude that, so you didn't have anything like that, but you just had an ordinary, honest, well-meaning, but let's say, perhaps a loyalty board member that you didn't happen to agree with.

Mr. COHN. Yes, sir.

Mr. WELCH. Now, if you take that honest loyalty board fellow, with nothing wrong with him, and he has already made a decision, I understand you now, and that you and I are in agreement to the effect that as to the decision which he has made, you have a right to inquire as to what were the facts on which he made his decision—

Mr. COHN. There are qualifications, again, but to move along, I will say "Yes," sir, and at the appropriate time I will hope to explain in a little more detail.

Mr. WELCH. And you have a right to inquire into the reasons that he adopted in reaching his decision?

Mr. COHN. I can think of circumstances under which such an inquiry would be proper; yes, sir.

Mr. WELCH. Now, Mr. Cohn, you have then, in effect, set up sort of an appellate practice for these loyalty boards, have you not?

Mr. COHN. No, sir.

Mr. WELCH. Well, you review what they have done in this committee, do you not?

Mr. COHN. It is not quite that simple, Mr. Welch.

Mr. WELCH. Well, it is not quite that regular, either, but it amounts to some kind of a review of the loyalty board action before this committee, does it not?

Mr. COHN. Not exactly, sir; no, sir.

Mr. WELCH. Well, let me put it to you this way: After this colloquy of mine, and yours, isn't it quite clear, sir, that any member of a loyalty board who is about to decide a case today, must realize if he has a radio or television, that some months from now he may be called

before the committee, your committee, of which you are counsel, and asked to talk about that case?

Mr. COHN. That is possible, sir; yes, sir.

Mr. WELCH. And he must be reasonably aware of the fact that if he decides in favor of some subversive or alleged subversive, or alleged Communist, that he may have a reasonably rough time before your committee, would you not say?

Mr. COHN. If he—

Mr. WELCH. Sir?

Mr. COHN. I don't believe so. I don't believe it necessarily follows.

Mr. WELCH. Then he may not have any anxiety tonight about any decision that he makes on the grounds that he may some day be called here and have the case reviewed by you?

Mr. COHN. If he has acted, sir, in accordance with his oath, if he has acted, sir, under proper standards in determining loyalty, and if certain other elements are present, sir, I would say "No," he need have no anxiety.

Mr. WELCH. All right.

Now suppose he honestly thinks he decided right and you, Mr. Cohn, honestly think he decided wrong. Then what would you do?

Mr. COHN. Well, sir, that brings us up to the question here, and at some point I am going to ask you to go into a little detail on this subject—

Mr. WELCH. I think it is very fair that you do, because this is a most interesting subject, and one which you prophesy a collision with any governmental department. You understand, Mr. Cohn, we are not talking just about the Army, don't you?

Mr. COHN. No, I don't. I understand we are talking just about the Army, because in the only other experience we had, we got co-operation and not defiance.

Mr. WELCH. Well, I will take the Army, but we might just as well take the Atomic Energy Commission, for example. You wouldn't hesitate to bring one of those loyalty board members up and inquire as to what they were doing, would you?

Mr. COHN. Mr. Welch, I would be on better ground if I could talk about what happened. We have had the Army situation. The other situation we had was the Government Printing Office situation.

Mr. WELCH. I am well aware of that. And there has been some discussion here as to whether or not the same principles apply to the Printing Office. But take the Army, if you would like, because there is a case where we understand each other. We will talk about that. Would you like to talk about that?

Mr. COHN. Anything you say, sir.

Mr. WELCH. O. K. Go ahead and tell us about the review practice, as I call it, of what the loyalty boards had done in the Army when you get the chance at them after the hearing is over.

Mr. COHN. All right, sir. As far as loyalty boards in general are concerned, and the Army in particular is concerned, we start on a premise—well, we start on this premise: We have information to the effect that loyalty boards have, without any justification, and by using improper standards of evidence, cleared Communists and have been responsible for the return of Communists to secret radar laboratories and to other sensitive places.

I would supplement that, Mr. Welch, by saying that people who have subsequently been found to be Communists and convicted as Communists, such as William W. Remington, have received the blessing of loyalty boards before their conviction as Communists. I would go on to say to you, sir, that in the case of the Army Loyalty Board, which you want to talk about, sir, we have had one case that occurs to me offhand, where somebody was cleared by this top Army Loyalty Board, and subsequently invoked the fifth amendment as to Communist activity when appearing before this committee. We have another case, sir, where the Army Loyalty Board cleared a man, I looked at the record and we have a lot of evidence, cleared a man who had a record of pro-Communist activity, who had been circulating in a secret radar laboratory of which he was one of the top people, a pamphlet against military conscription, against the United States building up any defenses against Russia. That man was found disloyal by a regional board but this same top Army Board cleared him and sent him back with a secret clearance.

We had the same thing, the Army had no monopoly, sir, because we had the same thing in the Government Printing Office. When those things happen, something is wrong. We try to find out in the light of our obligation as the Government Operations Committee, to find out what in the operation of this setup and system is wrong.

In addition to that general thing, there are cases and there were and are in the case of the Army Loyalty Board, where we had specific information of personal misconduct, and in one case of Communist activity on the part of a member of the very board which was trying to decide whether other people had engaged in Communist activity.

Now, when we first met up with this experience, Mr. Welch, in the case of the Government Printing Office, we got in the members of the Loyalty Board and they came.

Senator MUNDT. May the Chair say that Mr. Welch's time has expired. The rule has been to let a witness conclude his answer. If you want to let him conclude his answer, fine.

Mr. WELCH. I take it he is pretty near the end, right?

Mr. COHN. I will try to state it once, sir, and not again. It is a long and complicated subject. I will try to make it as short as I can.

When it came to the Government Printing Office, we had just about the same situation you have in the Army. We had a man named Edward Rothschild, Mr. Welch, who was a fifth-amendment Communist. We knew he had been named as a Communist, as a man who had been swiping secret papers out of the Government Printing Office, who had been trying to recruit other people into the Communist Party; but despite that, he had been cleared by the Loyalty Board. That was an incredible situation.

So this committee, particularly Senator McCarthy and Senator Dirksen, called in the members of the loyalty board and said, "Now, here, you have this man Rothschild, a Communist, a fifth amendment Communist. Witnesses say he tried to recruit them into the Communist Party. He was swiping papers. He came to work with the Daily Worker every day, and you people say he is a great and loyal citizen. How is it conceivable that you could have cleared such a man?"

The members of the loyalty board came in and started answering some questions, and we found out how they had cleared such a man. We found out, first of all, that they were under the impression, and I

quote, "that mere membership in the Communist Party was not sufficient to bar a worker under the loyalty program."

So here was an official of the loyalty board of the Government Printing Office who was operating under the assumption that if he found an employee of that Printing Office to be a Communist Party member, that was not an act of disloyalty, and he could still vote that that man was loyal and ought to stay on the job.

Some more questions were asked by Senator McCarthy and Senator Dirksen. The name of the witness was Mr. Hipsley. He started describing the procedure which they followed. He said, "We have heard a lot of witnesses." I remember Senator McCarthy said, "We have heard a lot of witnesses. Did you hear 'X,' who says this man tried to recruit him into the Communist Party?"

I think it was Mr. Mellor, a member of the loyalty board, who said, "No, sir, we didn't call him."

Then Senator McCarthy or Senator Dirksen said, "Did you call Mrs. 'Y,' who said that this man came to work with the Daily Worker stuck in his pocket every day and that she saw him swiping out code books?"

"No, sir," the loyalty board member said, "we never called him."

Finally Senator McCarthy said, "Who did you call?"

It developed that the only witnesses they called were witnesses who could give testimony favorable to the man under investigation, and that they had failed to call any witness who had any testimony unfavorable. So they had before them all of one side and none of the other side. No. 1.

No. 2, the standard they were using was that Communist Party membership didn't bother the loyalty board. They thought that was not a ground for disqualification.

We then knew why, at least we had a very good clue as to why this loyalty board had cleared Communists.

After that was called to the attention of the head of the agency involved, Mr. Raymond Blattenberger, he removed the members of the loyalty board, did away with the procedure, established a new procedure and a new standard.

That is one example, sir, of what this problem is and how we went about solving it and what we were trying to do in the case of this Army loyalty board which had similarly been clearing people with Communist records.

I am sorry I took so long.

Senator MUNDT. It is time for our seventh inning stretch, I think. We will take a 5-minute recess and resume with the questions.

(Brief recess.)

Senator MUNDT. The committee will come to order.

If there are newcomers in our audience since the recess, the Chair bids you welcome and reminds you of the admonition and the rule against any audible manifestations of approval or disapproval in the meantime.

Just before we recessed, Counsel Welch had concluded his 10 minutes of questioning, so we start now with Counsel Jenkins, if he has any questions at this time.

Senator McCARTHY. May I take 30 seconds to make one brief announcement?

Senator MUNDT. You may.

Senator McCARTHY. I was talking to Assistant Secretary Seaton, and he said he was sending over a letter by hand in regard to this situation. I asked him to send a copy to Mr. Welch and a copy to the Chair. When it comes, I would like to read it, No. 1.

No. 2, Mr. Chairman, unless there is some vigorous objection on the part of the members of the regular investigating committee, I would like to call a meeting of our investigating committee down in room 357 immediately after the adjournment here to iron out a number of things that have arisen which I would rather talk about in executive session. I would like to have Mr. Jenkins and Mr. Welch present, if they care to attend that meeting.

Senator MUNDT. The Chair knows of no committee business before the special investigating committee that would interfere with that, and we shall try to adjourn as promptly around the hour of 5 as we possibly can.

Mr. Jenkins?

Mr. JENKINS. Mr. Chairman, I have no further questions.

Senator MUNDT. The Chair feels that out of these hearings there is a good possibility that something constructive can come in the nature of a better relationship and a better understanding of the appropriate functions of both the executive and the legislative branches of Government in these ticklish and difficult problems of committee investigations and the safeguarding against a global menace like communism.

For that reason he is going to interrogate Mr. Cohn at this time in that connection somewhat and make a brief statement growing out of the fact that the Hiss case has been mentioned so many times by so many of the members and witnesses during these hearings.

Inasmuch as the Chair served as acting chairman of the House Committee on Un-American Activities at the time we had the Hiss case before us, it seems to me it might be appropriate to have the true facts of that case in the record.

It is true that a young security officer communicated with me and came to my office after midnight in the New House Office Building and brought me some material from the security files of the State Department in violation of a Presidential directive, a directive issued by President Truman incidentally, as we were working on the Hiss case, that stopped us from having access to certain files which we had previously been able to explore.

This young man brought some information which enabled us to go on with the case with the realization and assurance that we had information available if we could prove it. We could not use the material he brought because he took it back to the files, but he gave us the assurance at a critical juncture, that there was in fact "gold in them thar hills."

It was simply a question of digging it out the hard way.

Primarily, however, the Chair wants to call attention to the development of the case because we had from Senator Symington and others during these hearings some very interesting discussions of what might be an appropriate way for a Government employee to contact his Congressman or Senator if he felt there was dishonesty or disloyalty that he should disclose.

In connection with the Hiss case this information had been made available to the FBI by Whittaker Chambers. The FBI, as it always

does, quickly and effectively and efficiently transmitted that information to the Secretary of State, but nothing was done about Alger Hiss at that juncture.

Whittaker Chambers later communicated that information to Mr. Adolf Berle, who was an employee in the State Department. Mr. Adolf Berle took the information to the White House and gave it directly to President Roosevelt, who was then President of the United States—to President Roosevelt.

Senator JACKSON. 1945?

Senator MUNDT. Earlier than that, before that he had done that. I am giving you the background. There is no information that it was ever brought directly to President Truman's attention.

It was after that that the information was made available to the House Committee on Un-American Activities. I point that out to point out that in this discussion, which I hope can devolve around policies and principles and not personalities, we are confronted with something very genuine and very real.

Just where does the interest of the public lie? What are the responsibilities of people in Government or out of Government—as a young officer in the State Department, as in the case of Whittaker Chambers, who had information which we all now know dealt with one of the most nefarious spies in American history, Alger Hiss. He is in the Federal penitentiary now solely because things were done in violation of an Executive order.

I want to ask a question or two of Mr. Cohn in that connection.

Is it not entirely possible in your opinion, Mr. Cohn, for executive departments, understandably, to be reluctant to have disclosures made in public about dishonesty or disloyalty within the executive branch, and isn't it entirely possible that that reluctance can be manifested without there being any desire either to encourage communism, disloyalty, or dishonesty?

Mr. COHN. It is not only possible, sir, but it has happened that way I think on many more than one occasion.

Senator MUNDT. I think so. It seems to me that you should not assume that those who have a reluctance to have these things brought out in public are necessarily desirous of continuing such a bad state of affairs. Is it not also possible for an alert congressional investigating committee to try to dig out, disclose and eliminate dishonesty, disloyalty and communism, without being guilty of trying to encroach upon the affairs of the executive branch?

Mr. COHN. The Hiss case, the Remington case, the Rothschild case, answer that in the affirmative; yes, sir.

Senator MUNDT. Do you not feel that we can learn through our mistakes, and experience, to develop a cooperative formula, whereby people interested in the executive good, whether in the executive or in the committees, instead of competing against each other and conflicting, can cooperate in an effort to eliminate every last scintilla of disloyalty and dishonesty in this Government of ours?

Mr. COHN. Absolutely. There should be no conflict whatsoever. Each has its particular place and certainly from our level should work together.

Senator MUNDT. This is nothing new in the history of Government, either in this country or abroad—I think it appeared in Hamlet, in the great words of Shakespeare, one time, who said, "If thou art

privy to thy country's fate, which happily for knowing may avoid, oh speak!"

That goes back a long time in the history of human affairs. It seems to me that you and Mr. Adams, Senator McCarthy and Secretary Stevens, for awhile, were working on a most commendable effort to cooperate together in the common good. Would you agree that during the early stages of your Fort Monmouth investigation you were at least pioneering in an experiment of cooperation which, had it continued, could have brought great good to the American public?

Mr. COHN. Yes, sir.

Senator MUNDT. Unhappily, it did not continue. One of the problems that we have in this committee is to find out why. One side said it did not continue because of the Schine incident. One side said it did not continue because of the loyalty board investigation. Maybe we can determine whether either one of those or both of those or part of both are involved in this. But I hope it does not discourage a continuation of the effort on the part of executive agencies and congressional committees to try to walk down the same road together, to eliminate this dishonesty, to eliminate this disloyalty, because we have had too much, of late, it seems to me, of quick criticism of each other and not enough of a good, sturdy, American effort to work together against evils which all good Americans abhor. So while this experiment in which you and the Army were engaged for awhile unhappily collapsed, or as Mr. Welch pointed out, collided and created this unhappy situation in which we now find ourselves, I hope that out of these hearings, out of these discussions, out of this earnest effort to get at the truth, we can recommend some proposals and suggestions and formula for working together instead of constantly pulling apart. Is there anything in your experience, Mr. Cohn, unhappy as the eventuality finally became, which leads you to believe that it is impossible to work out arrangements such as you attempted, which might in the future happily continue to a successful culmination?

Mr. COHN. No, sir. And in the case of the Government Printing Office investigation, such an arrangement was worked out, was carried into effect, and into completion, to completion, and there was a most happy result for everybody concerned.

Senator MUNDT. There have been other investigations, too—

Mr. COHN. Yes, sir.

Senator MUNDT. In which that has been true, with certain departments, and certain agencies. Now, speaking about this matter of employees in defense plants. Does the Chair understand correctly that where you have an individual who has been classified or cleared for classified material, that in those instances the defense plant and/or the Army can remove officials, but in the instances where you have security risks in defense plants who do not have classified clearance, it is impossible to do so because of union restrictions and other employment requirements?

Mr. COHN. That certainly is the substance of the Defense Department letter, Senator Mundt, and I would say that there is a lot of accuracy in the letter. There are some things which have not been borne out in the course of the investigations of this committee. It is true, sir, that the Defense Department has certain control over employees who work on classified material because it controls whether or not they should be given clearances.

Senator MUNDT. They can withdraw that clearance which is equivalent to dismissing them from that type of employment?

Mr. COHN. Yes; except for this, Senator Mundt: They made the unqualified statement, I believe, and that is not correct, though, because we found one major defense plant in the country, I think it was the General Electric plant at Schenectady, where the Defense Department had surrendered its right to give clearances up through confidential and had turned that over to the private company and said, "You give restricted and confidential clearances."

I don't think the private company wanted to give those clearances. I think, sir, some people in the private company felt that was the obligation of the Defense Department. But nevertheless that was given to the private company.

Senator MUNDT. Is not part of our great problem in defense plants the fact that a great many security risks work their way into the defense-plant establishment without the necessity of getting a classified clearance but where they have contact with the people who have the classified clearances and consequently become conveyor belts of security information direct to Moscow?

Mr. COHN. Absolutely, Senator Mundt, and if I might give one example on that point. If you have a Communist working on non-classified information, that can be just as dangerous as a Communist working on classified information.

For instance, engines and things that go into airplanes and ships might not be classified. But if you have a Communist bent on sabotage working on those, that is just as bad.

The second point, Senator Mundt, would be this: There are people, just as you have pointed out here, who might have a security clearance withdrawn, but they still work in the plant. They have a close relationship with people who do have security clearance. In a number of cases we found, up in some of these war plants in upstate New York, Communists, active leading members of the Communist conspiracy who did not have security clearances, were the bosses in the union of people who did have security clearances.

They had the right to send for the union members, and in connection with the grievance procedure, get the union members who did have security clearance to give them all the details about the types of secret classified work the unusual members were doing.

Senator MUNDT. I would like to be sure to get in one other question during my 10 minutes, and I want you to straighten out my memory on this point, but if my memory is correct, at the last public hearing held by our committee, before we became involved in the present controversy, did we or did we not have a witness who under oath testified that in order for him to get a job in a defense plant he had to join the Communist Party and a Communist union? I thought I heard him say that, but I am not sure.

Mr. COHN. Senator, that was exactly the substance of the testimony he gave. He said—I believe his name was Peter Gragis, and he said that one of the reasons he joined the Communist Party was to get into the union and to get this job in a defense plant.

Senator MUNDT. I thought I remembered that, but I have told it once or twice to people, and it sounded so shocking when I heard myself say it, and it sounded so unbelievable to the people to whom I

said it, I wanted to have that confirmed to be sure that that was the situation.

Mr. COHN. It is, sir, and you have—

Senator MUNDT. One final question. It seems to me there is no great conflict between our experience in defense plants as you related it and the difficulty of getting people in unions that are Communist-controlled moved out of defense plants, and the letter which Senator Symington read from the Pentagon Building, I think from the Secretary of Defense, in which he pointed out what could be done from the standpoint of classified clearance, but which in no way affects what cannot be done concerning that vast number of people not working with classified clearances but having contacts with the people who do.

Mr. COHN. That is a perfect statement of it, Senator Mundt.

Senator MUNDT. My time has expired.

Senator McClellan?

Senator McCLELLAN. Mr. Cohn, are we to understand that the problem with respect to getting information which may be classified as secret—are we to understand that the problem or the fault is with the executive branch of the Government?

Mr. COHN. I don't get the reference for that, Senator McClellan.

Senator McCLELLAN. There has been a lot said here the last few minutes about these classified documents and how it is proper to take them in violation of Executive orders and give them out. I just want to ask you if it would not all be cleared up if the President would just revoke the Executive order? Wouldn't that settle the whole thing, and let the Congress get whatever it wants? Is that what you advocate?

Mr. COHN. That would certainly be one. I don't think, sir, at my level any advocacy on my part would be very effective.

Senator McCLELLAN. That is the issue. Let's try to find out now if that is the way to do it. If the President agrees with that, he is the head of this administration and he can simply revoke the pending order or directive, and that would settle the whole issue, wouldn't it?

Mr. COHN. You are entitled to an answer to that, sir, and I want to give it to you. My opinion, and it is only an opinion, sir, is that the directive forbidding Congress to have loyalty and security information should be revoked; yes, sir.

Senator McCLELLAN. That is the real problem, that is the real trouble, isn't it?

Mr. COHN. That is a major problem.

Senator McCLELLAN. In other words, if you had that order revoked and no law prohibited it, then the Congress could get whatever it wanted without having somebody violate the law or violate a directive or order to give it to them?

Mr. COHN. I don't say your words, but I do fully agree with you that that directive is a major obstacle and major problem.

Senator McCLELLAN. That is what I said a day or so ago, that that is the issue, and that needs to be settled.

Mr. COHN. It is a very important one. You are absolutely right.

Senator McCLELLAN. Very important. Although there may be differences of opinion about it, this conflict between the legislative branch and the executive branch, in my opinion, will continue until it is settled.

I want to ask you now to revert back to your paper.

Mr. COHN. Yes, sir.

Senator McCLELLAN. The point I wanted to make about that is, if there is a way to settle it, this administration has the responsibility to settle it. They are in office. They have the authority. They have the majority vote in Congress. They have the responsibility in the executive branch. If this conflict is here, it will have to be resolved or remain unresolved by the responsibility of those who are now in power.

Mr. COHN. Yes, sir. The directive, of course, was promulgated under the last administration and is still in effect to a certain degree, and whether or not it should be completely revoked—

Senator McCLELLAN. I am not quoting the last administration or defending it at all. I have often disagreed with it. I think you know that.

Mr. COHN. Yes, sir.

Senator McCLELLAN. Let's get back to your document.

Mr. COHN. Yes, sir.

Senator McCLELLAN. We were on No. 19, and the words that I had reference to when we concluded a while ago was that the "principal purpose" that Mr. Adams was appointed was as stated in that paragraph.

Mr. COHN. Do you now maintain and still maintain under oath that that was the principal purpose of his appointment, quote, and I use your quote, "to handle the committee"?

Mr. COHN. Yes, sir, we were told that by Mr. Adams, and I think he was—

Senator McCLELLAN. What do you mean by the word "handle"? Do you mean to cast some aspersion on his purpose by the word "handle"?

Mr. COHN. Sir, Mr. Adams I think was put in there on the theory that he would be able to work things out with this committee.

Senator McCLELLAN. You mean by that to improperly influence the committee?

Mr. COHN. Sir, I don't know if there was an implication of impropriety.

Senator McCLELLAN. That is what it implied to me when you put "handled" in quotations.

Mr. COHN. Yes, sir.

Senator McCLELLAN. Did you mean to improperly influence the committee?

Mr. COHN. I meant, sir, that Mr. Adams told us after he was appointed that the principal purpose for his being put in the job was to handle the committee.

Senator McCLELLAN. You mean handle the committee or handle the committee work. I know you have these liaison officers all the time, to work between the executive and the legislative and it occurred to me that that was the nature of his appointment.

Mr. COHN. No, sir.

Senator McCLELLAN. It was not?

Mr. COHN. No, sir. You see, we had a regular liaison, General Fenn.

Senator McCLELLAN. I understand there is a regular liaison, but this was a special liaison work that he was to be engaged in?

Mr. COHN. Yes, sir.

Senator McCLELLAN. Did you mean to imply by the word "handled" that it was unduly or improperly to influence the committee, that that was the principal purpose of his appointment?

Mr. COHN. Without characterizing it, I think it became clear after he was appointed—

Senator McCLELLAN. I want to ask you what you meant by what you said.

Mr. COHN. I mean by it what Mr. Adams told us.

Senator McCLELLAN. What did he tell you?

Mr. COHN. He told us, sir, that the principal purpose of his appointment was to handle the committee.

Senator McCLELLAN. What did you understand that he meant by "handle," or how do you interpret it?

Mr. COHN. I interpreted it in the light of Mr. Adams' actions.

Senator McCLELLAN. Which was to use improper influence?

Mr. COHN. Which was to try to work out arrangements whereby we would stop our investigation of the Army and stop holding hearings.

Senator McCLELLAN. You felt that was improper; did you not?

Mr. COHN. We didn't do it, sir.

Senator McCLELLAN. I didn't ask you what you did. I said you thought it was improper, didn't you, for him to be appointed for that purpose, and that is the reason you used the word "handled" here as he had used it?

Mr. COHN. It certainly could be construed as being improper, sir; yes.

Senator McCLELLAN. Of course, it can be and it was so construed by you, wasn't it, and is now?

Mr. COHN. Well, sir, I felt there was no doubt in the world that Mr. Adams was trying to stop the investigation. There is no doubt about it.

Senator McCLELLAN. If it was used in that sense and you interpreted it in that sense, then I want to accept it in that sense; that is all.

Mr. COHN. Yes, sir.

Senator McCLELLAN. As I weigh testimony.

Mr. COHN. Yes, sir.

Senator McCLELLAN. Let's go to No. 21.

Mr. COHN. Yes, sir.

Senator McCLELLAN. I quote:

From that time henceforth.

I assume "from that time henceforth" refers back to September 28, 1953. Does it?

Mr. COHN. Yes, sir; although we only saw him briefly on that day. I would say it really got down to business at the beginning of October.

Senator McCLELLAN. You met Mr. Adams on September 28, 1953?

Mr. COHN. I believe I did.

Senator McCLELLAN. I thought you told me you first met him October 2.

Mr. COHN. No; I believe, as I testified previously, before he was actually in the job, he came over here to this room—

Senator McCLELLAN. You had met him then before October 2, I assume.

Mr. COHN. Yes, sir. I believe I met him—

Senator McCLELLAN. I think you testified to that.

Mr. COHN. You might be right, Senator.

Senator McCLELLAN. I think you did. I am not trying to confuse. I am trying to clarify, if I can.

Mr. COHN. My recollection is that I met him for the first time in the world at that door over there on the morning of September 28, very, very briefly. I came to know him at the beginning of October up in New York.

Senator McCLELLAN. If that is what you desire, your previous testimony will stand corrected, September 28 as being the first date. [Reading:]

From that time henceforth, and in repeated instances, both personally and telephonically, Mr. Adams attempted to interfere with the investigation of Communist infiltration into the Army.

You say "from that time henceforth." Did he begin immediately to interfere?

Mr. COHN. He began, sir, I think it was the first week in October up in New York.

Senator McCLELLAN. The first week in October would be the next week following this date, wouldn't it, September 28?

Mr. COHN. Yes, sir.

Senator McCLELLAN. So within a week he began to interfere?

Mr. COHN. Yes, sir, about a week.

Senator McCLELLAN. About a week?

Mr. COHN. Yes, sir.

Senator McCLELLAN. This says—

began to interfere, and there were repeated instances thereafter from the time he began in the first week in October.

Your testimony and your charge is, here, that in repeated instances thereafter, both personally and by telephone, he undertook to interfere with the committee investigating Communist infiltration in the Army?

Mr. COHN. Yes, sir.

Senator McCLELLAN. Then your next sentence:

Mr. Adams' early attempts to end the hearings—

that was early attempts, which I assume were in early October that you are referring to; is that correct?

Mr. COHN. You are correct, sir.

Senator McCLELLAN (reading):

Mr. Adams' early attempts to end the hearings were carried out by his using every effort to ingratiate himself personally with the subcommittee personnel.

That included you, did it?

Mr. COHN. Yes, sir.

Senator McCLELLAN. And then appealing to them as a personal favor to halt hearings so that he would be secure in his new post?

Mr. COHN. Yes, sir.

Senator McCLELLAN. Did he start out doing that with you immediately?

Mr. COHN. Yes, sir; very close to the beginning, sir.

Senator McCLELLAN. How close?

Mr. COHN. It was the first week in October, I believe, when he was up in New York.

Senator McCLELLAN. The first week in New York. Did that not make you suspicious of him, judging from what you alleged here which you have now testified to?

Mr. COHN. You say "suspicious." I could go beyond suspicion. It was clear to me he did not want us to continue the investigation and to continue holding hearings.

Senator McCLELLAN. All right; you thought that was improper, didn't you, for him to take that attitude?

Mr. COHN. I can't say, sir, that I thought that that was improper.

Senator McCLELLAN. Oh, you didn't? I thought this was improper conduct.

Mr. COHN. Well, sir, he had just been appointed to this job by Mr. Stevens.

Senator McCLELLAN. He takes the position that he wanted you to do that so that he would be secure in his new post, did he tell you?

Mr. COHN. Yes, he did. He told us if some way could be worked—if he could be the one responsible for working out some way of getting us to let Mr. Stevens do the job himself and to get the committee out of the picture—

Senator McCLELLAN. In other words, you got the impression that is the principal purpose of his appointment to work out something like that to handle or influence the committee to get that done; that is what you are referring to here, is it not?

Mr. COHN. That is right, sir.

Senator McCLELLAN. And you knew that would be improper, didn't you, for the committee to do it?

Mr. COHN. Well, sir, he was trying to get us to pull out of the picture.

Senator McCLELLAN. All right. I know what he is trying. But you knew it would be improper for you to do it?

Mr. COHN. I certainly knew, sir, it would be improper for us to do it and it was not my decision.

Senator McCLELLAN. And for that reason, you refused, so far as you had anything to do with it?

Mr. COHN. Well, sir, the chairman is the one who refused it.

Senator McCLELLAN. If I say "you," I mean the decision was because it was improper.

Mr. COHN. Because we did not feel it was warranted; that is right.

Senator McCLELLAN. You considered it improper?

Senator MUNDT. The Senator's time has expired.

Senator DIRKSEN?

Senator DIRKSEN. No questions.

Senator MUNDT. Senator Jackson?

Senator JACKSON. Mr. Cohn, you stated on Meet the Press on March 14, in an answer to Mr. Jack Bell—you have that before you—at no time did you ever request or even suggest that Schine be released from KP, or any other unpleasant duty a draftee has to go through. I want to ask you—

Mr. COHN. Where is that, Senator?

Senator JACKSON. I will have to look.

Mr. COHN. I have the transcript right before me.

Senator McCARTILY. Do you have an extra copy?

Senator JACKSON. Do I have an extra copy? I have one. This question is very clear.

Mr. COHN. It is very clear.

Senator JACKSON. Let me repeat it so I will go back.

Mr. COHN. You don't have to, Senator.

Senator JACKSON. All right. I want to ask you under oath, Mr. Cohn, did you or did you not ever request of any Army officials that Schine be released from KP?

Mr. COHN. Sir, I think the answer to that is contained on page 7 of my meet-the-press transcript. I said:

To answer the second part of your question about the Sunday KP incident, as the memorandum in our file reflects that was the weekend before the deadline on filing the overseas information program report which Schine wrote. That was a Sunday and there had been an agreement in advance that he could use that day to work on this report. They reneged on that agreement and that was the only purpose of the communication with the Army.

Yes, sir; the only discussion I ever had, as far as I recall it, with anybody in the Army about Schine and KP, was about that one day, January 10, I believe it was, in which I spoke with Lieutenant Blount and tried to get Mr. Adams, made the statement that if they put him on KP every night in the week we didn't care about it, but we did ask that they live up to the arrangements they had made, making him available to work on these reports on Sundays.

Senator JACKSON. Yes, but Lieutenant Blount, the aide to the general, General Ryan—

Mr. COHN. Yes, sir.

Senator JACKSON. Made it very clear that he had been assigned for that Sunday, that weekend, to KP.

Mr. COHN. Yes, sir.

Senator JACKSON. And Lieutenant Blount has testified under oath that you did make such a request. Now, that is my understanding of the record. That you made a request that he be released from KP. Now, is that statement of Lieutenant Blount made before this committee true or is it false?

Mr. COHN. The discussion reported by Lieutenant Blount is in substance accurate, sir; yes.

Senator JACKSON. His statement is true. Now let me refer to that in connection with this testimony of Lieutenant Blount growing out of the so-called Colonel Ringler incident. If you will turn to page 4379 of your testimony—

Mr. COHN. Yes, sir.

Senator JACKSON. You will find that you said as follows, starting about the middle of the page. Mr. Cohn, this is in response to a question by Mr. Jenkins, a question by Mr. Jenkins as follows:

Are you saying that Colonel Ringler was talking peculiarly about the investigation of Communists, Mr. Cohn?

Mr. COHN. I am saying, sir, that Colonel Ringler had made a statement concerning the work of this committee which had been told to Private Schine by somebody who—

And, then:

Mr. JENKINS. Well, what was that statement, Mr. Cohn?

Mr. COHN. The statement was, sir, that we were engaged in a witch hunt and that investigations like this were red herrings, things along those lines.

Mr. JENKINS. And that statement was conveyed to you by Mr. David Schine?

Mr. COHN. It was, sir.

Mr. JENKINS. And do you say it was for that reason that you said that the name of Colonel Ringler would long linger in your memory?

Mr. COHN. I might have said I was going to remember the name; yes, sir.

Now, turning to page 3508, volume 20, Lieutenant Blount has stated in sworn testimony that on the afternoon of January 9, 1954, he talked to you by telephone, that Mr. Cohn complained about Schine receiving KP on the following Sunday, the 10th of January. I quote a part of Lieutenant Blount's testimony. The quotation is as follows—

**Senator McCARTHY.** Senator Jackson, would you wait until the witness has a copy of the testimony?

**Senator JACKSON.** Sure.

**Senator MUNDT.** We will take time out while he is searching for the file.

**Mr. COHN.** I am with you, sir. I am right with you, Senator Jackson.

**Senator MUNDT.** Time in, again.

**Senator JACKSON.** Now I quote. This is Lieutenant Blount's testimony:

I told Mr. Cohn that we considered KP a part of Schine's training and as far as we were concerned, he wasn't going to get off on the 10th of January.

Continuing:

Pursuant to that, Mr. Cohn didn't agree with me by the way, pursuant to that he said that some people at Fort Dix had been cooperative, but that Colonel Ringler and Lieutenant Miller had made things especially difficult for Private Schine, and that he, Mr. Cohn, had a very long memory and was never going to forget the name.

Now, Mr. Cohn, it is quite obvious that Lieutenant Blount's version of this matter is that the reason for the dislike of Colonel Ringler, the regimental commander, if my memory serves me correct, was not what you have stated, namely that Colonel Ringler thought this was a witch hunt, but on the contrary, that it was the fact that he was the regimental commander and was doing things, as he stated here, that Private Schine did not like.

Now, is Lieutenant Blount's statement correct or is it false?

**Senator McCARTHY.** Mr. Chairman, I have been trying to refrain from any objections here, raising any points. However, I do believe that one of the basic principles of law is that one witness should not be called upon to evaluate another witness' testimony. I think Mr. Cohn can be asked what the facts are. I don't think it is up to him to determine whether or not another witness has committed perjury. He can't search the other witness' mind.

**Senator JACKSON.** That, Senator McCarthy, is not for Mr. Cohn or ourselves to determine whether perjury has been committed. This is not a grand jury sitting here. It is obviously for the jury at some time to determine who may or may not in these proceedings have committed perjury.

**Senator McCARTHY.** Would you yield a minute, Senator Jackson? The point I raise is that I think in every court, both State and Federal, it is improper—and if I may have Mr. Jenkins' attention on this, too—I think it is improper to ask one witness to evaluate another witness' testimony. I think Mr. Cohn can be asked about all the facts, cross-examined about those in detail, but I do think—

**Senator JACKSON.** I don't want to break you off, but I understand we now have a rollcall vote, and it takes precedent over this particular question.

Senator MUNDT. The Chair would suggest that as long as it is so close to 5 o'clock, we might as well recess until 10 o'clock in the morning. I will wish a happy birthday to everyone. We will recess until 10 o'clock.

Senator McCARTHY. Mr. Chairman, there will be a meeting of the investigating committee in room 357 immediately after the rollcall vote.

Senator MUNDT. Very well.

Senator McCARTHY. Senator Jackson, would you wait until the witness has a copy of the testimony?



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Secretary of the Army	2006, 2008, 2012, 2013, 2015, 2016, 2032
Secretary of Defense	2002, 2004, 2006, 2007, 2034
Secretary of State	2031
Shakespeare	2031
State Department (United States)	2030, 2031
State Department security files	2030
Stevens, Robert T	2006, 2008, 2012, 2013, 2015, 2016, 2032
Supreme Court of the United States	2023, 2024
Symington, Senator	2015, 2018, 2030, 2034
Television program (Meet the Press, March 14, 1954)	2010, 2011, 2038
Textbooks (Communist line for Army)	2007
Truman, President	2030, 2031
Un-American Activities Committee (House)	2030, 2031
United States Air Force	2004, 2015, 2016
United States Army	2001, 2004, 2007, 2008, 2010, 2011, 2013, 2015, 2022, 2027-2032, 2036, 2037, 2039
United States Attorney General	2019, 2020, 2022
United States Congress	2034, 2035
United States Constitution	2020, 2021
United States Department of Defense	2000, 2001
United States Department of State	2030, 2031
United States Marines	2004
United States Navy	2004, 2015, 2016
United States President	2010, 2030, 2031, 2034
United States Secretary of Defense	2002, 2004, 2006, 2007, 2034
United States Secretary of State	2031
United States Supreme Court	2023, 2024
White House	2031
Wilson, Secretary Charles	2002, 2003





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